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JOURNAL
OF
THE SENATE
OF
THE STATE OF INDIANA,
DURING THE
TWENTY-SECOND SESSION
OF THE
GENERAL ASSEMBLY,
COMMENCED AT INDIANAPOLIS
ON MONDAY THE FOURTH DAY OF DECEMBER, 1837.

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SENATE

OF THE

STATE OF INDIANA.

The Twenty-second Session of the General Assembly of the State of Indiana, convened on Monday the 4th day of December, A. D. 1837, at Indianapolis, in the county of Marion, in conformity to the Constitution and Laws of the State, on which day at 10 o'clock, A. M. the Senate assembled.

PRESENT,

The Hon. Richard W. Thompson, President of the Senate, *pro tem.* who having taken his seat, directed a call of the Members, when the following Senators answered to their names, to wit:

From the Counties of Knox, Daviess, and Martin—Thos. C. Moore.

Greene and Owen—David M. Dobson.

Vermillion, Warren, and part of Jasper—Simon Terman.

Harrison—David G. Mitchell.

Perry, Spencer, & Crawford—Geo. B. Thompson

Posey, Vanderburgh, and Warrick—Wm. Casey.

Monroe, and part of Brown—Paris C. Dunning.

Johnson—Jno. S. Thompson.

Morgan—Grant Stafford.

Hendricks—Alexr. Little.

Shelby—Jno. Walker.

Hamilton and Boone—Bickael Cole.

Henry—Thos. Stanford.

Ripley—Thos. Smith.

Bartholomew and Jennings—Jno. Vawter.

Jackson and Scott—Isaac Hoagland.

Elkhart, Lagrange, Steuben, De Kalb, & Noble—

George H. Crawford.

Parke—Austin M. Puett.

Gibson, Pike, and Dubois—Thos. C. Stewart.

Orange—Samuel Chambers.

Hancock, and Madison—Thomas Bell.

Allen, Wells, and Adams—David H. Colerick.

Rush—Amaziah Morgan.

Washington—Henry W. Hackett.

Lawrence—R. W. Thompson.

Putnam—Daniel Sigler.

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From the County of Wayne—Wm. Elliott, and Abner M. Bradbury.
Clark—David W. Daily.

The following gentlemen elected Senators since the last General Assembly, appeared and having produced their credentials and taken the oath prescribed by the Constitution, took their seats, to wit:

Form the Counties of Wigo, Sullivan, and Clay—James T. Moffatt.

Tippecanoe—Othniel L. Clark.

Montgomery—John Beard.

Franklin—David Mount.

Dearborn—Johnson Watts.

Decatur—James Morgan.

Switzerland—Martin R. Green.

Jefferson—Williamson Dunn.

Clinton, and Carroll—Aaron Finch.

Delaware, and Randolph—Andrew Kennedy.

Fayette, and Union—Wm. Watt.

Floyd—Preston F. Tuley.

St. Joseph, Marshall, Kosciusko, and Stark—
 Thos. D. Baird.

*Laporte, Porter, Newton, White, Pulaski, and part
 of Jasper*—Charles W. Cathcart.

Marion—Henry Brady.

In pursuance of the annunciation of the President, the Senate proceeded to the election of a Principal Secretary, Messrs Sigler and Beard acting as tellers, and upon counting the votes it appeared that Charles H. Test, was duly elected on the first ballot, having received all the votes given.

The Senate then proceeded to the election of an Assistant Secretary, Messrs. Morgan of Rush, and Clark acting as tellers, when on counting the votes it appeared on the 4th ballot that W. C. Foster received 14 votes, W. H. Martin 25 votes, and J. S. Drake 3 votes.

W. H. Martin receiving a majority of all the votes given, was declared duly elected and sworn into office.

The Senate then proceeded to the election of Enrolling Secretary, Messrs Dunning and Elliott acting as tellers, when upon counting the votes it appeared on the 3d ballot, that

V. C. Hanna	received	23 votes
E. Dumont	"	7 votes
J. S. Drake	"	13 do.

V. C. Hanna having received a majority of all the votes given was declared duly elected, and sworn into office.

The Senate then proceeded to the election of Door-Keeper, Messrs. Kennedy and Puett acting as tellers, when on counting the votes, on the 3d balloting, it appeared that James B. Hart received 23 votes

E. B. Reed	"	19 do
Thos. Chinn	"	1 do

James B. Hart receiving a majority of all the votes given, was declared duly elected and sworn into office.

The Senate then proceeded to an election of Sergeant-at-Arms,

Messrs. Stanford and Bradbury acting as tellers, when upon the ballot, it appeared that

G. W. Moore received	23	votes
C. Stevens	6	do.
T. B. Johnson	14	do.

Mr. Moore was declared duly elected and sworn into office.

On motion of Mr. Sigler,

Resolved, That the House of Representatives be informed that the Senate have convened, formed a quorum, elected Charles Test, Principal Secretary, W. H. Martin, Assistant Secretary, V. C. Hanna, Enrolling Secretary, Geo. W. Moore, Sergeant-at-Arms, and James Hart Door-Keeper, and that they are ready to proceed to Legislative business.

The Senate then adjourned until the afternoon.

2 o'clock, P. M.

Senate met pursuant to adjournment,

On motion of Mr. Vawter,

Resolved, That the Joint-Rules which were in force for the Government of the last General Assembly, be adopted by the Senate as the rules of the joint action for the present session, and that the House of Representatives be informed of the adoption of said Joint-Rules.

The Senate then adjourned until to-morrow morning.

TUESDAY MORNING, DEC. 5.

Senate assembled.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that the House of Representatives have convened, formed a quorum, elected Thomas J. Evans Speaker, Jehu T. Elliott Principal Clerk, William G. Armstrong Assistant Clerk, Edwin Winship Enrolling Clerk, Aquilla Rogers Sergeant-at-Arms and James Fisler Door Keeper, and are now ready to proceed to legislative business.

I am also directed to inform the Senate, that the House of Representatives have adopted the following resolution:

Resolved, That a committee of one be appointed on the part of this House, to act with a similar one, to be appointed on the part of the Senate, to wait on the Rev. Mr. Britton, and request him to attend in

the Representatives' Hall at 10 o'clock, Tuesday morning, to open the present session of the General Assembly by prayer, and that the Senate be requested to reciprocate this resolution, and that seats be provided for them at the right of the Speaker's chair.

Mr. Dowling is appointed that committee on the part of the House of Representatives.

The resolution contained in the message was reciprocated and Mr. Sigler appointed the committee on the part of the Senate.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am instructed to inform the Senate, that the House of Representatives have adopted the following resolution:

Resolved, That a committee of two on the part of this house be appointed, to act with a similar committee on the part of the Senate, to wait on his Excellency the Governor, and inform him that the two Houses of the General Assembly have convened, elected their officers, and are ready to receive any communication he may be pleased to make to them, and to ascertain of him at what time he will make such communication.

Messrs. Hubbard and McClure are appointed said committee on the part of the House of Representatives.

The resolution contained in the message being reciprocated, Messrs. Dunning and Cole were appointed the committee on the part of the Senate.

Mr. Ewing, Senator from Cass, Miami and Fulton. produced his credentials, and having taken the oath prescribed by the constitution, thereupon took his seat.

On motion of Mr. Morgan of R.,

Resolved, That the Editors of the Indiana Journal and Democrat, be permitted to occupy seats within the Senate Chamber during the present session for the purpose of reporting the proceedings of the Senate.

The following resolution was offered by Mr. Puett:

Resolved, That the President of the Senate be requested to invite the Hon. John McLean, of Ohio, to a seat within the bar of the Senate chamber during his stay in Indianapolis.

On motion of Mr. Morgan of R.,

Said resolution was so amended as to include the Hon. Wm. Hendricks, and thereupon was adopted.

Mr. Sigler of the joint committee for that purpose made the following report:

Mr. PRESIDENT—

The joint committee on that subject report that they have waited on

the Rev. Mr. Britton, and in pursuance of the request of the committee, he will attend instanter in the Hall of the House of Representatives to open the present session of the General Assembly by prayer.

Ezra S. Trask, Senator from Wabash, Jay, Huntington and Grant appeared and took his seat.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives are now ready to receive the Senate for the purpose of having the General Assembly opened by prayer, and seats are provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Representatives, when an appropriate invocation was offered to the Throne of Grace by the Rev. Mr. Britton.

After which the Senate returned to their chamber.

The following Message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am instructed to inform the Senate that the House of Representatives have reciprocated the resolution of the Senate, adopting the joint rules of the last General Assembly, as the rules of the joint action of the two houses of the present General Assembly.

Mr. Dunning of the joint committee for that purpose, made the following report:

Mr. PRESIDENT—

The joint committee appointed for that purpose now report,

That they have waited upon his Excellency, the Governor, and informed him that the two Houses of the General Assembly have met, formed a quorum, elected their officers, and were ready to receive any communication which he might be pleased to make, and that the committee have received for answer that the Governor would, on this day, at 2 o'clock, P. M., make a communication to the two Houses in the Hall of the House of Representatives.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Representative Hall, instanter, for the purpose of hearing the message of his Ex-

cellency, the Governor, delivered to both Houses of the General Assembly, and that seats be provided for them on the right of the Speaker's chair.

On the receipt of which, the Senate repaired to the Hall of the House of Representatives when the following Message was delivered by Wm. T. Otto, Esq. the Governor's private Secretary.

Gentlemen of the Senate, and

of the House of Representatives :

With the return of the period of our annual meeting to confer on matters of public interest, we find ourselves under renewed and increased obligations to our creator for the unusual measure of health we have enjoyed throughout the seasons of the year now at its close. Whilst we render our grateful acknowledgments for this exemption from his chastening hand, our indebtedness is increased by the special dispensations of His favor in the profusion of our harvests. Though it is with some abatement, the usual indications of the prosperity of our citizens may be observed in the compensation received for the products of the soil; in the reward given for labor, and in the returns realized from all our enterprize and active pursuits; and when we compare our condition with that of the less favored portions of the Union, we have reason to be content with our individual lots, and to congratulate ourselves upon the evident prosperity of the State.

Although the returns of the assessments to the Auditor's office are incomplete, the amount of the taxable property for this year may be estimated at ninety-eight millions of dollars, being about twenty millions more than the aggregate assessments of the previous year. The revenue derivable from that sum at the rate established by law will replenish the treasury, extinguish the remnant of unsatisfied claims upon it of the last and meet the demands upon it the current year. The reports due from the Auditor and Treasurer, will exhibit a detailed view of the receipts and expenditures of the current year.

I thought it my duty on a former occasion to direct the attention of the legislature to the deficiencies in the quantity of land returned from many of the counties compared with the returns of the preceding year, and to advise the application of the necessary remedy. Since that time they have been multiplying, and errors are so manifest in the last reports as to show a deficit of from two to three hundred thousand acres. In looking for a cause of these imperfections, it is justly ascribable to the mode of assessment and to the appointment of unfaithful assessors, who perform their duty negligently without having the tract book to direct them. The only effective remedy is to be found in the appointment of one assessor for each county, in requiring him to assess from the tract book, and in the institution of a suit on his official bond for omissions of duty.

The operations upon the several lines of our public works have been as active and spirited as a prudent economy, with reference to the magnitude of the expenditures would allow.

The navigation of the Wabash and Erie Canal during the past season has been extended as far west as Peru. The line is now finished to Logansport, the water has been introduced, and the passage of boats is prevented only by the return of the winter season. With the opening of the spring the canal may be navigated from that point to Fort Wayne, a distance of seventy-six miles. Between Logansport and Lafayette the advances of the work equal the expectation of the Commissioner. It is gratifying to be able to say, that the State of Ohio has taken hold of her portion of the work, in a manner that gives an assurance of her determination to finish it in the shortest possible time. The whole line within her territory has been placed under contract, and allowing the usual time for their completion, we are fully authorized to expect that within two years from this time, canal boats may pass from the Lake to Lafayette, thus realizing the great object which has so long engaged the attention and solicitude of the State.

The work on the Whitewater canal has been prosecuted with energy, and the contracts are so far advanced as to justify the belief, that the navigation from Brookville to Lawrenceburgh may be commenced by the beginning of the next autumn.

The contracts entered into at the lettings of the last year upon the canals at Terre-Haute, Evansville, and Indianapolis, have been carried on with commendable activity, and the work at these points is such as to render it acceptable to the Commissioner and satisfactory to the public.

A corps of Engineers has been engaged the past spring and summer, in determining the probable location and cost of the canal to connect the Wabash line with Lake Michigan. The route is understood to be very favorable for the construction of a canal. The examinations have been extended to the Illinois line, and sufficient information has been collected, when taken in connexion with the surveys made by that State, to show that this work may readily and cheaply be extended so as to intersect the Michigan and Illinois canal. In that way each State would be benefitted by the mutual transportation of a much larger amount of imports and exports than belongs to their respective territories.

The grading and bridging on the Madison and Lafayette Rail Road, from Madison to Vernon, has been vigorously prosecuted. It is so far advanced as to create the expectation that the track on this portion of the line may be laid down the ensuing summer, and that locomotive engines with their trains may commence running, if thought expedient, by the next meeting of the Legislature.

The New Albany and Vincennes Road has also made favorable progress. The grading and bridging on forty-one miles, commencing at the Ohio river, may be finished and prepared for the metal early in the ensuing spring. The preliminary examinations with a view to its final location have been made west of Paoli, the terminating point of the division now under construction.

Upon that portion of the New Albany and Crawfordsville road, ex-

tending from the former place to Jeffersonville, the amount of work performed is equal to that required by the Commissioner and Engineer, and the grading on this division is nearly completed. This part of the road has been graded on such a scale as to answer equally well for a rail or McAdamized road. It has been a source of regret, and is deeply lamented by all who have been engaged in its interests, that the Examining Engineers have so far differed in their views and opinions, relative to the character of the work, as to prevent a satisfactory and final determination on the part of the Board. It is confidently believed however, that the further information now sought, will warrant a decision at its present meeting, and when the character of the work is determined, no doubt such additional letting will be made as will compensate for the delay.

At the close of the last session an impression went abroad creating an expectation that additional work would be placed under contract during the present year. The propriety of a compliance with the prevailing impression, its consequences and influence upon the cost of the work were discussed at a special meeting of the Board. Their deliberations resulted in the postponement of further lettings, to a period when the State could avail herself of any beneficial change that might take place in the price of labor, provision, and other items of expense that enter into the cost of construction.

I have thus given a condensed review of some of the leading operations on the lines of the public works. A minute and detailed report on the whole subject will be laid before you by the proper officers, in ample time for your deliberations; from that you will perceive, that they have discharged their duties with characteristic fidelity and zeal.

In the experience and events of the year, nothing has been witnessed of a character to discourage the progress, or the ultimate success of the system. On the contrary, we see much to strengthen our convictions of the wisdom of the policy, and to inspire us with increased confidence in the ability of the State, with wise and provident legislation, to accomplish the whole undertaking. The expenditure of nearly one and a half million of dollars this year, in addition to previous appropriations, has saved us from the evils resulting from the prostration of prices and business in other portions of the country. Labor, with the fruits of the soil to support it, is more abundant, the credit of the State, and her acknowledged resources to sustain it, affords her an ample command of funds, and at home we have renewed assurances of the settled determination of the people to uphold it, without which no system of policy can long prevail.

At the date of the commencement of the enterprise our state and its citizens were in the enjoyment of unprecedented prosperity. The then existing condition of things, was made the basis of our future calculation. Since then, external causes have cast a shade over the auspicious prospect, and taught us with an impressive force, the duty of so shaping our policy as to be prepared for every vicissitude that may befall us. Looking then, with a calm foresight to the future, in reference to our policy and the financial condition of the State, we cannot

but observe that a period will arrive when the means of paying the interest on our increased expenditures, will, unless derived in some degree from the incomes of the public works, multiply the public burthens. A foreign war or any disturbing cause, affecting the prosperity of nations and communities, may at such a crisis, by preventing the acquisition of additional loans, arrest the progress of our improvements. We should then be burthened with the interest on the invested capital, whilst the stationary and unproductive situation of the works would preclude our realizing any return from them. Sound policy would therefore dictate the expediency of so directing their prosecution as will have a tendency to render some of them soon available in the production of revenue. The great disparity in the length of the lines, in their relative cost, and the time requisite to finish them, indicate the evident impolicy of their simultaneous completion. The comparative shortness of some of them, and their forwardness would justify us in making increased appropriations with a view of finishing them as soon as practicable. This can and should be done without discontinuing expenditures elsewhere or disregarding expectations that may have been created, or violating that spirit of good faith and compromise which led to the adoption of the system. On finishing the works in question, we should then be able to give an exclusive application of all our effective means and force to the remainder. In addition to these manifest advantages, an adoption of the suggested opinion would commend itself to the sober judgment of the people, and establish on a firmer basis the policy to which the State is pledged: It would likewise tend to strengthen confidence in her resources, and thus give additional security and value to her stocks.

Whatever may be the policy resolved on, it should be pursued with a strict reference to the ability of the State and her citizens to sustain it, without embarrassing the one or imposing severe and inordinate burdens on the other. If we find it impracticable or inexpedient to accomplish the task we have assumed within the allotted period, let us give ourselves additional time. What we designed doing in one year we may do in two, and thus by dividing and lessening the burden of its cost we will in the end secure all the predicted benefits of the policy without having recourse to oppressive taxation.

The compact proposed by this State to Illinois, in relation to the improvement of the navigation of the Wabash river, has been accepted by the reciprocal legislation of that State. Soon after the terms were adjusted, a joint commission was established by the designation of a member from the Board of Public Works of each State, who immediately entered upon the duties of their appointment. The principal obstructions being at the Grand Rapids, examinations and estimates were made for that point, and it is believed that a dam from ten to eleven feet in height at the foot of the rapids, will render that difficult part of the stream subservient to commerce. Contracts were entered into on the 22d of last month, for furnishing stone for the construction of a dam and lock.

I lay before you the joint resolution of the Legislature of Illinois, transmitted by the Governor for your information.

The Commissioner of the Michigan Road has performed the service required by the act of the last session, in the selection he has made of the remainder of the Michigan Road Lands. He has also performed the further duties, enjoined by advertising and selling the tracts selected. The proceeds of the public sale and the private entries since made, amount to \$3,781 70 and have been disposed of as the law directs. His proceedings will be reported in proper time. Several causes conspired in preventing the survey of that part of the Road north of the Seat of Government, until the summer months had elapsed. The duty, was assigned to Mr. Adams, an engineer of acknowledged qualifications, whose report, though late, will be in season for a correct understanding of the subject.

In the absence of the information obtained by the survey, I am in possession of no data, by which to form an opinion as to the character of the improvements most desirable, to place the Road in that state of repair, which the necessities of the public and the policy of the State require. Passing, as it does, through a highly flourishing country, from one extremity of the State to another, and accommodating a greater amount of travel than any other, it possesses high claims and I beg leave to earnestly urge them upon your consideration.

No further application has been made by the Lawrenceburgh Rail Road Company for the bonds of the State, authorized to be issued by the Treasurer of State, nor will any be made until the \$221,000 already realized, shall be expended by the Company.

I am informed by a communication from an officer of the Company, that the sensible change in the general prosperity of the country, has so much embarrassed the progress of the work, as to render its completion doubtful, within the time specified by the charter. They will submit a proposition to the Legislature, offering to expend \$100,000, inclusive of the work now done, to return the remaining \$121,000, and to surrender the charter to the State, on condition that she will undertake to complete the road at some future period.

That work would furnish facilities to the trade of a densely populated and highly productive portion of the State, and one that contributes largely to the support of the public burthens. The proposition evinces a degree of liberality and public spirit highly creditable to the Stockholders.

Of our dividend of the three per cent. derived from the sale of the Public Lands the present year, the sum of \$57,450 00 has been received by the Treasurer, and applied by him towards the various unsatisfied demands upon it. From the Report of that officer, you will perceive that the appropriations, from first to last, of that fund, for the benefit of Roads, Rivers, and to the several counties, amount to \$574,148 50, and that the entire receipts including the present year, amount to \$438,100. The incidental expenses of disbursing the whole fund, to the present time, amount to \$4,733 41, leaving

\$140,781 91, to be obtained from future receipts to satisfy the excess of appropriations.

According to the Report received from the Commissioner in charge of that branch of the public interests, the Receipts at the Treasury from the Saline Lands, amount to \$3,360 25. Although there is no present delinquency demanding your interposition, I avail myself of this occasion to call your attention to the imperfect state of the law, with regard to the prosecution of the Pleas of the State. I conceive it to be defective in two essential particulars—in not authorizing the Executive officers, in cases of defaulting agents and debtors, to order the institution of the proper suit, and for that purpose, to hand over the bonds and records on file in their respective departments, to the prosecuting attorneys, and in not requiring of the latter, except in a few specified cases, the prosecution of other than the criminal pleas. In both respects, it would be expedient so to alter the law as to make it conform to those contingencies, to which the public interests are sometimes liable.

The Treasurer of State has received from the Secretary of the Treasury of the United States, the first three instalments of the Surplus Revenue, awarded to this State by the act of Congress of June, 1836, depositing the Surplus with the States. Of the first two instalments amounting to \$573,502 96, the sum of \$567,126 16 has been handed over to the county agents on the scale of distribution prescribed by law. The balance of the two instalments, amounting to \$6,376 80, not being applied for by the agents agreeably to the terms of the act of the Legislature, has been loaned by the Treasurer, at the rate of interest exacted for the College Fund. The third instalment of \$286,751 48 has been deposited with the Commissioner of the Sinking Fund, as contemplated by Law. The fourth instalment of \$286,751 48, due the first of October, has been withheld and postponed until January, 1839. The failure to pay it over according to the stipulation of the Act of Congress, will be injurious to the interests of the State. An investment of that instalment in the stock named by the law of the last session, would have yielded an interest of not less than \$25,000 per year, which was set apart by law towards the extinguishment of the interest on our Internal Improvement loans. It will, therefore, devolve on you to make provision for a sum equal to the expected interest, to supply the deficit.

The annual report of the officers of the State Bank required by a provision of their charter will fully exhibit the condition of that institution and its branches.

The disordered condition of the monied affairs of the country, so sensibly felt in the East during the last spring, induced the banks of the city of New York in May last, to resort, as a measure of precaution, to a temporary suspension of specie payments. That measure was followed by a general and almost simultaneous suspension throughout the Union.

The intelligence arrived at the Seat of Government during the session of the State Board. After giving that anxious deliberation due to

the magnitude of the interest involved, they determined to recommend an immediate suspension to the branches. The latter were in a safe and prosperous condition, as shown by the exhibit of their resources and liabilities made at the time. They had, however, in their possession more than a million of dollars in notes and credits on the suspending banks. Under these circumstances a continued redemption of their paper, amidst the universal suspension of neighboring banks, would have led, unavoidably, to an almost entire abstraction of the specie basis of our circulating medium. The fatal tendency of the latter would have been seen, not merely in crippling and prostrating the bank, but in severe and lasting injuries thereby resulting to the State. The members of the State Board, would therefore have been faithless to their trust if they had neglected to adopt measures designed to prevent the capital, which the State had furnished for the benefit of her citizens, from being withdrawn to supply the vaults of foreign banks, the doors of which were closed against every similar demand we might make upon them.

The establishment of the State Bank of Indiana was rather a matter of necessity than choice; and that necessity grew out of the discontinuance of the late National Bank. The late Chief Magistrate having determined to refuse to that institution a renewal of her charter, zealously recommended the State Banks as possessed of the ability to furnish a more sound and uniform currency. The local Banks instantaneously multiplied, and with the withdrawal of the paper of the bank of the United States, it was evident that the notes of the local banks would supply its place. We were therefore under the obligation to furnish our citizens with a substitute to place them on an equal footing with those of other states, and to avoid the necessity of supplying our deficient circulation, by the paper of banks of which we could know but little. With these facts and views before them, with the general consent of all parties, and the marked approbation of the people, the State Bank with its Branches was established by the Legislature. In order more effectually to identify it with the public interest and welfare, the State became the owner of half the stock, reserved to herself ample supervisory powers over it, and retained the right of selecting some of the more important of its officers.

To pay her half of the stock, and to furnish individuals with a part of the means of paying their subscribers in specie, the State borrowed in all the sum of \$1,390,000, at five per cent. payable in from twenty to thirty years. She receives on this sum an average interest of nine per cent. leaving a clear annual profit of \$55,600, which is again loaned out at nine per cent. on the principle of compound interest. Long before the expiration of her charter, there will remain in the hands of the commissioners of the Sinking Fund, after the extinction of the yearly interest on the Bank loan, a sum sufficient to pay off the entire principal, leaving the whole of the stock of the state as our profits. In accordance with a provision of the charter, this is to be used as a fund for the support of Free Schools. Our bank is therefore emphatically a State Institution, closely identified with the interests of the State

and her citizens, and as long as she continues to discharge her legitimate duties, with the fidelity and success so honorably characteristic of her past history, she will retain the undivided support and merited confidence of the people.

The necessity of sustaining the sound banking institutions of the States is apparent and generally admitted. The suspension of specie payments worked a forfeiture of the charters of the banks in several of the States. The Legislatures on being convened to advise with regard to the subject have uniformly adopted protective enactments. In many states, as in our own, the Legislatures have not deemed it proper to annex the penalty of forfeiture to a suspension of payment. Our Banks are made liable for twelve per cent. when they fail to redeem their notes, and may be withdrawn and wound up at the discretion of the State Board. The wisdom of not exacting a forfeiture is now fully attested. It has enabled our banks quietly and efficiently to discharge their accustomed duties, and to aid in warding off from our trading, agricultural, and manufacturing interests, the threatened disasters of the crisis. If the State had reserved to herself the authority to resume the charter on such a contingency, and had with a rigid and inflexible regard to her rights exerted it, the step would have sapped the foundations of our credit, and inflicted a blow on our interests which would have required years of uninterrupted prosperity to repair.

On reviewing the amount of interest the State possesses in the stock of the Bank, the nature of the objects its establishment was designed to subserve, the beneficial influence it has exerted on every branch of enterprise, and the immense gains that will ultimately accrue to the people, you will find within the range of your duties, no subject more worthy of your attention. The safety of the Bank is found in the prudent management of her ample means, and secured by the personal responsibility of her directors and stockholders. Her charter derived from the State is not susceptible of alteration any more than a written contract between two individuals, which until altered by their mutual agreement, is their mutual obligation. The granted powers, like all trusts committed to human hands, liable to abuse, and the state possessing a large share of the stock, it is alike, your right and your duty, as the chosen guardians of the public interests, to exercise a rigid and watchful scrutiny over its affairs. If they have been rightfully and faithfully conducted, the confidence of the legislature ought to be freely awarded. If, however, the restraints of the charter have been disregarded, or if the delicate trust with which you have invested her has been abused for unworthy purposes, the offending officer should be dismissed and held amenable to the laws of the country.

Notwithstanding the discouragements presented by the aspect of the money market, at the opening of the Spring, the negotiation of our Fund Commissioners resulted in the success hitherto attending them. Without resorting to the discretion given them by the Legislature, as to the sale of six per cent. bonds, all the funds necessary for our purpose, have been procured at five per cent. interest, besides a

handsome premium, more than the face of the Bonds. The whole sum borrowed amounts to two million and thirty thousand dollars, of which \$430,000 were at par, and upon the remaining one million, six hundred thousand dollars, a premium of two and three per cent. was received, making thirty four thousand dollars.

By this fortunate arrangement, our Fund Commissioners have saved from \$310,000 to \$350,000 to the State, comparing their success with the sales made of the Bonds of other States, bearing an interest of six per cent. a difference that is not disparaging to others, whilst it faithfully reflects the high character of the State, in the estimation of the public. The annual difference between 5 and 6 per cent. in the payment of interests on our loans, will be ten thousand dollars for every million of our debt. The funds obtained by these negotiations are safely deposited in New York at the same interest we pay. By an arrangement made with our Banks, the funds needed on the lines are advanced and disbursed solely by the agency, and through the responsibility of the Banks. and in return they receive, at stated periods, checks on the east for the monies thus paid out. By these means, the public money remains at interest until it is paid out, and the State avoids the hazzard and cost of transferring and disbursing it.

The signal and unexpected success of our Fund Commissioners, at a period so inauspicious, is an evidence of their fitness, and capacity for the discharge of the arduous trust committed to them, and entitles them to the continued confidence of the Legislature and the people.

I should be remiss in my duty towards these meritorious officers, were I not to avail myself of the present occasion to assert their just claims to a more liberal compensation. That allowed them by law, will not justify them in leaving their families and business, and I beg permission to ask your favorable consideration of the subject.

The furniture directed to be procured for the several apartments of the Capitol has been furnished by the Treasurer, the Square has been graded, and ornamented with forest, and other trees, and shrubbery. Two rooms have been neatly prepared under the direction of the Secretary of State, and appropriated as the law directs, to the Indiana Law Library, and Library of State. The latter has received as valuable an addition of approved and standard works as the annual appropriation could command.

The present is the last opportunity I shall have to appeal to you in behalf of the State College at Bloomington, and I cannot, without disregarding the suggestions of duty, pass it by in silence. A high standard of proficiency is required from the candidates for its honors, a wholesome discipline is enforced, and every effort is made by the faculty to ensure the promised objects of its establishment. They have succeeded thus far in advancing with the progress of our growth and resources. The wants of the age now demand a broader diffusion of the lights of science, and of the principles of sound morality and virtue, and deeming this a propitious time for carrying into effect the constitution of Indiana, with regard to the establishment of a State Uni-

versity, I beg you to indulge me in repeating the recommendation, that you shall bestow, on the institution, that distinction and the necessary endowments.

The appointment of State Geologist created by a late law, was tendered to David Dale Owen of our state. After fulfilling an antecedent engagement with the Geologist of Tennessee, to visit the mountain regions of that State, he accepted it, and entered on the discharge of his duties. His first and preliminary object was to ascertain what geological formations exist in the state, and to determine and trace their boundaries. With that view he passed through its leading subdivisions. In the course of his examination he discovered numerous seams of coal, limestone, marble, sand-stone, alum-slate, free-stone, water-lime, peat-moss and abundant deposits of every variety of iron ore. The indications of the latter are such as to warrant the assertion that it exists in quantity and richness equal to the supply of our wants. In some situations and within a small compass of ground, the ore, coal, limestone and sandstone are found, with sufficient water-power and timber, all of which are necessary in converting and reducing that valuable mineral to useful purposes. Although the survey owing to its recent commencement has necessarily been confined to a general examination of the geological structure and resources of the state, yet the results attest its importance and will authorize more detailed and systematic researches. The report is one of some labor, and will require corresponding time for its submission.

By a special enactment of the Legislature, the revision and amendment of our statute laws, so much needed, was committed to the Judges of the Supreme Court. The vacancy on that bench occasioned by the lamented death of Judge McKinney was not filled until the June session of the Court. So great an amount of additional duty was thereby imposed on the remaining incumbents, that although some progress has been made, they have not been able to conclude the labor assigned to them. No report will therefore be prepared for your present meeting. In the complex, if not confused and ambiguous condition of our laws, the want of such a volume as the public anticipate from the hands of their Supreme Judges, is sensibly felt. Confided, as the task is, to those confessedly the most competent from their attainments, the nature of their pursuits, and a knowledge of the imperfections of the existing law, to do it justice, it would do well in such an important matter, to afford them time and opportunity to meet the public expectation.

The provisions of the act creating an agency for the superintendence and improvement of the Tippecanoe Battle Ground have been complied with by the appointment of W. F. Reynolds, Esqr., of Lafayette. Measures have been taken to enclose the field of that conflict, made memorable by the bravery of those gallant spirits, whose honored remains have been gathered and now repose together in its bosom. The design of the monument to be erected by the state has not yet been procured for the want of a knowledge of the most competent artists. It was thought advisable to postpone the subject to the

present meeting of Congress, to enable the Governor, through the Indiana delegation, to ascertain and communicate with artists of the highest reputation.

To adjust and settle definitely all doubts in relation to the course and termination of that part of the boundary line between this state and Ohio near the mouth of the Great Miami, the Governor carried out the instructions of the legislature, by the appointment of a commissioner on the part of Indiana, to act in conjunction with the one representing Ohio. The joint commission, composed of John A. Matson of this state and Micajah T. Williams of Ohio, met at the place appointed by law, were qualified and entered upon the discharge of their duties. They succeeded in establishing the boundary. Monuments will be erected to indicate the separating line of our jurisdiction.

The semi-annual examinations of the state prison, its policy and inmates have been made by W. C. Foster, Esqr., the visiter. The superintendents do not, as he thinks, make unreasonable exactions of labor, nor do they exercise too great severity in the enforcement of the rules for the government of the convicts. He disapproves of a portion of their daily food.

The improvements, with a view to the enlargement of the prison, have not been commenced, owing to the insufficiency of the appropriations made for that purpose. The urgent necessity for them requires the further attention of the Legislature.

J. H. Colton, Esquire, of the City of New York, proposes to publish on a large scale, the map of Indiana, and has forwarded a copy of it in its yet unfinished state, for the inspection of members of the Legislature, through whom he wishes to correct errors, if any exist. Several of the states, appreciating the necessity of having accurate maps of their respective territories, have patronized similar projects, and forwarded copies to other states. Should you feel disposed to reciprocate the favor thus received, it is the intention of Mr. Colton, to make the map of this state so much superior to any now published, as to entitle it to your patronage.

The constant and multiplying dangers to which the archives of the state departments and the records and files of several of the public officers are exposed, deserve the anxious attention of the legislature. They occupy the public building commonly called the "Governor's House," in which eight fires are constantly kept up. A spark from either may consume the whole, there being no other protection than that given by the officers and clerks, when attending at their places during the day. Their protection is of too much consequence to the state, to be longer left liable to the dangers that surround them. I would therefore advise some early provision for the erection of suitable fire-proof offices on the public ground north of the capitol. If you can make no better provision for the means, they may be procured from the sale of the building named, with the ground attached to it.

I invite the attention of the legislature to the law providing for the appointment of pilots at the falls of the Ohio. Its object was to afford to the extended commerce of that river, all the safety and facilities that could be afforded by the selection of skilful and experienced pilots

to conduct it over the falls. They were limited to four in number. The emoluments of these situations being very profitable at certain shipping stages of the river, a spirit of competition has been thereby engendered, which threatens to defeat the wise intentions of the law. Since your last session, owing to the absence of one of the pilots, the Governor made an appointment under an impression derived from representations made to him, that the individual had abandoned his commission. To obtain the benefits which the law was designed to subserve, a strict fidelity should be exacted from the incumbents by the legislature. The only means of securing it, would be a penalty in the shape of a forfeiture, to be rigidly enforced for every dereliction of duty. The interests involved, require that the appointments should be made with the most guarded caution and with an exclusive reference to the qualifications of the applicant. As the distance of the seat of government from the points where the services are needed, precludes the Governor's acting from personal knowledge, I would suggest, as conducive to the selection of the most competent individuals, the expediency of so modifying the appointing power, now lodged with the Governor, as to require the recommendation of the circuit or county court of the adjoining county.

The increasing amount of business in our judicial circuits is a grievance which requires the correcting exercise of your authority. It may be remedied by erecting an additional circuit, by prolonging the terms of the court, or increasing their number. Either of these remedies will, I doubt not, effectually remove all cause of complaint, and it is your province to select that which will best accomplish the intended object.

I have heretofore fully exposed to the legislature, my objections to our probate system, and proposed the remedies most approved by my judgment. To them I refer you, and will simply reiterate the opinion, that without a substantial change, it can never efficiently guard the rights and interests of the widow, the orphan, and the creditor, the protection of which was the chief object of its creation.

Should the legislature not concur in the views heretofore submitted, a partial remedy for the present defective system will be found in the appointment of a commissioner of probates in each county. In case of a failure on the part of the decedent to make an appointment, the usual duties of an administrator and the right to investigate all claims upon the estate may be given to the commissioner, requiring him to make full reports of his proceedings to the court. To prevent the accumulation of large sums in his hands, his duties may cease on his depositing the notes and evidences of debt with the clerk. On reaching their maturity, the court may appoint the next of kin or some other person to collect the amount due on them and pay the claims, after they have been approved by the commissioner and certified by the clerk. For the want of legal and business qualifications on the part of administrators, expenses are incurred and losses sustained.

The law regulating escheats is defective in some of its provisions. From recent adjudications it appears that native born children of alien

parents may be deprived of their estates. Whilst the true policy to deny to aliens many of the rights and privileges afforded by our institutions, until they acquire the right of citizenship; yet such a decision, although unavoidable under the present law, is repugnant to our sense of justice, to the genius of our laws and to the intention of our Legislature. Estates which should rightfully revert to the public use, are also liable to be retained under the disguised and fraudulent pretences of individual claimants, from the want of an authorized agent to investigate and prosecute the rights of the State. I would advise, therefore, a thorough and careful examination of the whole subject, with a view to an amendment of the defects of the existing law.

The preamble and joint resolutions of the States of Massachusetts and Mississippi, relative to the extension of the franking privilege have been received, and I now have the honor of submitting them to you.

In compliance with the request of his Excellency, the Governor of Kentucky, I lay before the legislature a communication enclosing a preamble and joint resolution, of the legislature of that State, requesting the protection of our laws against the seduction and concealment of the slaves of her citizens, when they escape, and as they pass along the Ohio river, in the service of their masters.

Upon all questions connected with the institution of slavery, the citizens of this state have been exempt from excitement. Ever mindful of the duties which devolve on her as a member of the great family of American States, united under a common government, and bound together by past recollections, by an identity of origin and a community of general interests, the State of Indiana has religiously abstained in her principles and her policy, from every act that could be construed into a disposition to tamper with, or disregard the domestic institutions of her sister States. By a reference to our laws on the subject, it will be seen that they have been shaped with a view to protect the interests and rights of the citizens of those states where slavery has been established, and to furnish all just facilities for the reclamation of that species of property. By the act of 1824, a provision is made for an arrest and hearing, in a most summary manner, our judicial tribunals are ever ready to enforce the law, and a full measure of damages is awarded to the aggrieved individual. Our laws relating to crime and punishment impose a fine not exceeding five hundred dollars, on any one who shall knowingly employ a slave, conceal him, encourage his escape, give him a certificate of emancipation, or a pass, or who shall obstruct his arrest, when claimed by the owner. The claimant is moreover entitled to his action for damages of five hundred dollars against the offending individual.

With the ample provisions already made, I confess my inability to point out other or more efficient means of redress. It is due, however, to Kentucky to consider the subject, and to exercise that sound discretion which the occasion demands. And when you have deliberated, it will be due to that State, to reply in that feeling of amity, kindness and fraternal regard, evinced in the communication submitted to you.

The laws of this state, in common with those of almost every other in the Union, require the executive officer and those connected with the disbursement of the public money at that point, to reside at the Seat of Government. Our officers consist of a Treasurer, Auditor, Secretary of State, one Fund Commissioner, and one member of the Board of Internal Improvement, in all five, in addition to the Governor's Staff, whose duties are connected only with the militia. The first three are elected by the Legislature, and the Treasurer alone has any control over the public moneys. The other two were appointed by the Governor and Senate, and have large amounts of the public funds committed to their charge. These officers have uniformly kept safely, disbursed promptly, and most satisfactorily accounted for, every dollar passing through their hands; and there never has been an officer disbursing the public money at the Seat of Government, who has been guilty of any proved or known delinquency. You are aware, however, that active and artful attempts have been made to excite a distrust of the fidelity of the officers of the State Government, and to create the belief that there is a combination of officers residing at the capitol, who are leagued with individuals, and are habitually guilty of gross perversions of their trust, and in the fraudulent use of the public funds. Our citizens have paid their taxes cheerfully, and will no doubt continue to do so, under the belief that they are faithfully applied to the objects for which they were collected. Should they believe that the money so obtained, or that borrowed for our public works, is corruptly or improperly used by officers and individuals, they will and ought to withhold their confidence. If the charges are true, the offending individuals should be arraigned at the bar of public justice, and before the tribunals of their country. If false, it is due alike to the accused and to the community, that the public mind should be disabused. You possess the power and on you devolves the high duty of examining narrowly into the discharge of every public trust, and exposing all abuses that exist. I would therefore recommend the appointment of a committee with power to send for persons and papers, to investigate the whole subject. The public money is deposited in bank, and paid out only on the checks of the officers. If it has been applied to individual or improper purposes, you can easily detect and expose the abuse, and apply the appropriate remedy.

My official relations with the Legislature and the people terminate with this communication. The thought of separation creates in my bosom mixed sensations of pain and pleasure. On the one hand I part with those with whom I have co-operated, with all the regret, a lively recollection of such an association is calculated to inspire. On the other, enjoying as I have a full share of the honors of political distinction, and participating in the cares, the responsibilities and the burdens that throng the path of public duty, I welcome the hour of my release that restores me to the endearing pursuits of private life.

On reviewing the period of my official connexion with you, it is gratifying to reflect that the confidence between the two branches of the government has been uniform and reciprocal. No other restraint

than that imposed by official propriety has governed our intercourse, and my memory recalls no occurrence offensive to a just pride of station or at variance with the claims of personal respect. In my zealous devotion to the public prosperity, I have freely offered suggestions. Some of them have been made the basis of legislation, and have thus been sanctioned by your better judgment. Other recommendations were regarded as inexpedient, but in place of exciting mortification, the reasons elicited by investigation for their rejection, have tended to increase my conviction of the excellence of that feature of our republican system which interposes the legislative branch between the Executive and the people.

The six years of my public service to which I have alluded, have been marked with immense results that will not readily be overlooked in the history of the State. At the suggestions of the public spirit and intelligence of our common constituents, schemes of policy have been adopted by the Legislature involving lasting and incalculable results to her prosperity and fame. The opportunity I enjoyed of the tender of my feeble aid now ceases, and on you devolves the honorable task of sustaining her cherished policy, and of identifying your names with that series of measures that will tend to aid her in the fulfilment of the high destiny that awaits her. Although separated from you, I shall nevertheless regard your action with anxious solicitude, and I fervently invoke the Divine Being to extend his beneficent and protecting care over your counsels, and to guide you in the path of wisdom, prosperity, and honor.

N. NOBLE.

Indianapolis, Dec. 5, 1837.

The Senate returned to their chamber.

On motion the Senate adjourned.

WEDNESDAY MORNING, DEC. 6.

Senate assembled.

On motion of Mr. Vawter,

Resolved, That the Senate will, the House of Representatives concurring therein, proceed on Friday next, at 10 o'clock, A. M. to the election of a Circuit Judge in the first, second, and third Judicial Circuits: Also, to the election of a Prosecuting Attorney, for the 1st, 3d, and 7th Judicial Circuits, and that the House of Representatives be informed of the adoption of this resolution, and their concurrence requested.

Mr. Sigler moved to amend by striking out the 7th Judicial Circuit.

On motion of Mr. Morgan of Rush,

The resolution with the proposed amendment, was ordered to lay on the table.

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Mr. Sigler moved to amend by striking out the 7th Judicial Circuit.

On motion of Mr. Morgan of Rush,

The resolution with the proposed amendment, was ordered to lay on the table.

ABSTRACT B.

[To follow Gov.'s Message, Senate Journal.

Showing the dates of the laws authorizing the sales of Bonds, their date and amount, when reimbursable, to whom sold, rate of interest and sale, for what purpose sold, proceeds, amount received and amount yet due.

Date of law authorizing the loan.	Date of Bonds.	When reimbursable.	Amount of the bonds.	To whom sold, &c.	Rate of Interest.	Rate of sale.	For what purpose sold.	Proceeds of sale and amount for which hypothecated.	Amount received.	Amount yet due.
Jan. 1832	1st July, 1832	1862 to 1885	100,000 00	J. D. Boers & Company, - - -	6 per cent.	\$ 113 26	Wabash and Erie Canal,	\$113,369 00	113,369 00	—
" 1834	" 1834	1854 to 1864	500, —	Prime, Ward & King, - - -	5	101 05	State Bank,	505,350	505,350 00	—
1832, 1834	" Jan'y 1835	1866 to 1886	300, —	same, - - -	5	102 05	Wabash and Erie Canal,	306,150	306,150 00	—
1834	" July, "	1866 to 1886	65,357 42	Secretary of War, - - -	5	107	same,	69,825 44	69,825 44	—
1834,	" " "	1866 to 1886	200, —	J. J. Cohen, jun. & Brother, - - -	5	105	same,	210, —	210, —	—
1834	" " "	1855 to 1865	400, —	same, - - -	5	104 50	State Bank,	418, —	418, —	—
"	" " "	" " "	50, —	Prime, Ward & King, - - -	5	104 50	same,	52,250 00	52,250 00	—
1835	" " "	1866 to 1886	40, —	same, - - -	5	105	Wabash and Erie Canal,	42, —	42, —	—
1835	" 1836	1866 to 1836	100, —	J. J. Cohen, jun. & Brother, - - -	5	100	same,	100, —	100, —	—
1835	" " "	1866 to 1886	2,742 58	Secretary of War, - - -	5	107	same,	2,934 56	2,934 56	—
1834	" " "	1856 to 1866	400, —	Thos. Biddle & Co. & M. C. & B. Co. - - -	5	101	State Bank,	414,400 00	414,400 00	—
1836	" " "	1861	400, —	J. J. Cohen, jun. & Brother, - - -	5	100	Internal Improvement,	400, —	400, —	—
"	" " "	"	450, —	T. Biddle & Co. & M. Canal & B. Co. - - -	5	101	same,	454,500 00	454,500 00	—
1835	" " "	1866 to 1886	139, —	same, - - -	5	101	Wabash and Erie Canal,	140,390 00	140,390 00	—
1836	" " "	1857	100, —	Lawrenceburgh and Indianapolis Rail Road Co. - - -	5	100	Law. & Indianapolis Rail Road,	100, —	100, —	—
1836	" 1837	1866 to 1886	30, —	Christmas, Livingston & Company, - - -	5	100	Wabash and Erie Canal,	30, —	30, —	—
"	" " "	"	350, —	Morris Canal and Banking Company, - - -	5	102	same,	357, —	357, —	—
"	" " "	1862	400, —	same, - - -	5	100	Internal Improvement,	400, —	400, —	—
"	" " "	"	1,050,000 00	same, - - -	5	102	same,	1,071,000 00	1,071,000 00	—
"	" " "	"	200, —	same, - - -	5	103	same,	206, —	206, —	—
"	" " "	1857	121, —	Lawrenceburgh and Indianapolis Rail Road Co. - - -	5	100	Law. & Indianapolis Rail Road,	121, —	121, —	—
"	" 1838	1862	40, —	Staten Island Whaling co. - - -	5	100	Internal Improvement,	40, —	40, —	—
"	" " "	"	300, —	Western Bank of New York, - - -	5	100	same,	300, —	300, —	240,000 00
"	" " "	"	100, —	Erie County Bank, - - -	5	100	same,	100, —	100, —	—
"	" " "	"	100, —	Detroit & Pontiac R. R. Co. - - -	5	100	same,	100, —	10, —	90, —
"	" " "	"	60, —	Staten Island Whaling Co. - - -	5	100	same,	60, —	60, —	—
"	" " "	"	1,000,000 00	Morris Canal and Banking Co. - - -	5 Sterling.	100	same,	1,000,000 00	1,000,000 00	—
"	" " "	"	200, —	same, - - -	5	80	same,	180, —	180, —	—
1838	" Jan'y, 1839	1869 to 1889	400, —	same, - - -	5	90	Wabash and Erie Canal,	360, —	207,724 20	152,275 80
1836	" " "	1868 to 1874	1,000,000 00	same, - - -	5 Ster.	98	State Bank,	900, —	20, —	900, —
1836	" " "	1863	800, —	same, - - -	5	100	Internal Improvement,	800, —	—	—
"	" " "	"	200, —	same, - - -	5 "	98	same,	196, —	—	—
"	" " "	"	232, —	same, - - -	5	88	same,	204,160 00	—	—
"	" " "	"	380, —	same, - - -	5	88	same,	334,400 00	728,652 72	1,273,107 28
"	" " "	"	190, —	same, - - -	5	88	same,	167,200 00	—	—
"	" " "	"	300, —	same, - - -	5 Ster.	100	same,	300, —	—	—
"	" " "	"	30, —	Binghamton Bank, - - -	5	88	same,	17,600 00	17,600 00	—
1839	" " "	1864	294, —	Branches of State Bank, - - -	6	100	4th Inst. U. S. Surplus Revenue,	294, —	294, —	—
1836	" " "	"	200, —	Merchant's Exchange Bank, - - -	5	96	Internal Improvement,	192, —	192, —	—
"	" " "	"	35, —	Bank of Commerce, - - -	5	96	same,	33,600 00	33,600 00	—
"	" " "	"	47, —	Bank of North America, - - -	5	88	same,	41,360 00	1,360 00	40, —
"	" " "	"	221, —	Madison Company, - - -	5	88	same,	194,480 00	194,480 00	—
"	" " "	"	95, —	same, - - -	5	88	same,	83,600 00	83,600 00	—
Feb. 1841	1841	1843	30, —	Various persons. - - -	7 Sterling.	100	Payment of Interest,	30,000 00	30,000 00	—
			\$404,000 00	same, - - -	5	—	Sold to pay int. and hypothecation	131,175 00	131,175 00	—
			*665,000 00	Yet unsold, - - -	5	—	Under hypothecation.	144,697 75	144,697 75	—
			12,751,000					11,628,232 75	8,732,205 04	3,040,972 06

*These Bonds were not registered, and it cannot be safely determined to what particular fund they belonged. They consisted of bonds previously executed for various purposes, bearing different dates, and reimbursable at different periods.

The whole public debt is as follows—

1. Total amount of bonds disposed of for every purpose whatsoever, - - - - - \$12,751,000 00
2. Supposed amount of Treasury Notes outstanding, including interest, - - - - - 1,385,000 00
3. Amount due State Bank for advances on the public works in 1839, including interest to Oct. 30, 1841, - - - - - 693,146 00
4. July instalment of interest still due, deducting \$300,000, seven per cent. bonds given for coupons, - - - - - 258,000 00

Total, \$15,068,146 00

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Mr. Thompson of Perry offered the following resolution:

Resolved, That the Sergeant-at-Arms contract with the Editors of the Newspapers, at present published in Indianapolis, for copies of each number of their respective papers during the present session of the General Assembly, to furnish each Senator, separately enveloped, provided the same can be procured at prices not exceeding those charged their annual subscribers, for public distribution.

On motion of Mr. Dunning,

Said resolution was so amended as to permit the Editor of the Indiana Farmer to a seat in the Senate Chamber, for the purpose of reporting the proceedings of the present session.

On motion of Mr. Morgan,

The resolution was amended by inserting after the word "papers" the words, 'containing the Legislative proceedings of the present General Assembly.

Mr. Kennedy moved that the resolution, with the several amendments, be laid upon the table,

And on the question, the Ayes and Noes being called for,

Those who voted in the Affirmative were,

Messrs. Baird of St. Joseph, Beard of Montgomery, Bell, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Daily, Dobson, Dunn, Ewing, Green, Hacket, Kennedy, Little, Mitchell, Moffitt, Morgan of Rush, Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Thompson of Johnson, Thompson of Lawrence, Thompson of Posey, Trask, Tuley, Vawter, Walker, Watts of Dearborn, and Watt of Union—37.

Those who voted in the Negative were,

Messrs. Colerick, Crawford, Dunning, Elliott, Finch, Moore, Morgan of Decatur, and Terman—8.

Whereupon the resolution with the several amendments were laid upon the table.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be informed that the House of Representatives is now ready to open and count the returns of the votes of the several Counties in the State of Indiana, for Governor and Lieutenant Governor of said State, in the presence of both Houses of the General Assembly, and that the Senate be invited to attend in the hall of the House of Representatives instantler, for that purpose, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the hall of the House of Representatives where the Speaker, in the presence of both Houses of the General Assembly, proceeded to open and publish the returns of votes given in the several counties at the last annual election for Governor and Lieutenant Governor, but before the same was completed, the convention adjourned, and the Senate returned to their chamber.

On motion the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Vawter,

Resolved, That a committee of two members on the part of each House (the House of Representatives concurring) be appointed to invite the Rev. James Havens to unite with both branches of the General Assembly in the hall of the House of Representatives, on to-morrow, at 10 o'clock, A. M. offering to the Supreme Ruler of Nations our devout acknowledgments of gratitude for past blessings, and a humble supplication for their continuance, and that the Executive, Judiciary, and other State officers be invited to attend.

And Messrs. Vawter and Dunn, were appointed the committee on the part of the Senate.

On motion of Mr. Elliott,

Resolved, That two thousand copies of the Governor's Message be printed for the use of the Senate.

The following message was received from the House of Representatives by Mr. Elliott, their clerk.

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Representatives hall instantler, to be present while the Speaker continues to open and publish the votes given on the first Monday of August last, for Governor and Lieutenant Governor of the State.

Whereupon, the Senate repaired to the hall of the House of Representatives to witness the completion of the opening, and publishing of the returns of votes for Governor and Lieutenant Governor, in presence of both Houses of the General Assembly; upon the completion of which it appeared that David Wallace had received a plurality of votes for Governor, and David Hillis for Lieutenant Governor, of the State of Indiana; and thereupon the President of the Senate in convention, proclaimed the said David Wallace to be duly elected Governor, and the said David Hillis Lieutenant Governor respectively, for and during the term of three years from and after this day, and until their successors shall be elected, and qualified.

And the Senate returned to their chamber.

On motion of Mr. Colerick,

The resolution laid on the table this morning authorizing the Sergeant-at-Arms to contract with the Editors of Newspapers published in Indianapolis, for public distribution, was taken from the table, and further amended by inserting the resolution of the Senate.

And on the question, shall said resolution as amended be adopted? The ayes and noes being called for,

Those who voted in the Affirmative were,

Messrs. Baird of St. Joseph, Bell, Bradbury, Brady, Casey, Chambers, Clark, Colerick, Crawford, Dobson, Dunning, Elliott, Ewing, Finch, Green, Hackett, Moffitt, Moore, Morgan of Decatur, Sigler, Stafford, Terman, Thompson of Lawrence, Thompson of Posey, Tuley, Vawter, and Watt of Union—27.

Those who voted in the Negative were,

Messrs. Beard of Montgomery, Cathcart, Cole, Daily, Dunn, Kennedy, Little, Mitchell, Mount, Puett, Smith, Stanford, Stewart, Thompson of Johnson, Trask, Walker, and Watts of Dearborn—17.

So said resolution was adopted.

The following Message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That a committee of two be appointed on the part of this house, to act with a similar committee to be appointed by the Senate, to wait on his Excellency David Wallace and the Hon. David Hillis, and inform them that they have been elected respectively, the first to the office of Governor, the second to the office of Lieutenant Governor of the State, and to know of them, at what time it will be their pleasure to take the oath of office.

Messrs. Stapp and Smydth of Clay are appointed that committee on the part of this House.

Whereupon, the Senate reciprocated the resolution of the House of Representatives, and Messrs. Vawter and Morgan of Rush were appointed the committee on the part of the Senate.

Mr. Morgan of R. of the committee for that purpose now reported,

That the joint committee appointed by the two houses, to wait on David Wallace Governor elect, and David Hillis Lieutenant Governor elect, and to inform them of their elections to the said offices, and to know at what time it will be their pleasure to attend in the Hall of the House of Representatives and take the oaths of office, have performed that duty, and have received, for answer, that they will attend at 4 o'clock P. M. on this day.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend in the Representatives' Hall instanter, to hear the oaths of office administered to his Excellency David Wallace Governor elect of this State, and to the Hon. David Hillis Lieutenant Governor elect of the State, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Representatives, where in presence of both Houses, the oaths to support the Constitution of the United States and of the State of Indiana, and the oath of office was administered to the Governor and Lieutenant Governor by the Hon. Isaac Blackford a Judge of the Supreme Court.

After which, the Governor delivered the following address:

Fellow-citizens of the Senate

and of the House of Representatives:

Deeply impressed with the responsibility of the station which the kindness of my Fellow-Citizens of Indiana has selected me to fill, I embrace this opportunity of tendering to them, through you, my most grateful acknowledgments for this distinguished manifestation of their confidence, together, with a brief expose of the views and opinions I entertain on exciting questions of State policy. In taking this step, I feel, that I am only following in the wake of all my predecessors.—They have, I believe, without a single exception, deemed it most respectful and proper, prior to entering on the discharge of their official duties, to publish, to the people, an epitome of the principles, by which they design to be governed during their continuance in office. Upon this custom I have no desire to innovate; and, if I had, this is certainly not the time to attempt it. The surprising increase of wealth and population which the history of Indiana for the last eight years so cheerfully exhibits; the acknowledged extent and fertility of her soil; the singular variety of stirring and important interests growing out of these circumstances; added to the bold, daring, and gigantic efforts she is now making to ensure a full and speedy developement of all her resources, calls, not only, for the undivided application of the whole energies of her people, but, also, for the *unconcealed* opinions of her public servants.

In acquitting myself of this delicate task, I frankly confess, before hand, that the consciousness, that none of the duties that I shall likely be required to perform, will consist, either, in designing, limiting, or establishing any new system of State policy or improvement, is to me, a source of great and peculiar relief. Because, I cannot but look

upon these perplexing matters as being, already, settled; the controversies concerning them as ended; and the scale and character of our future plans and operations, for years to come, as, in a measure, permanently fixed. If, in this, I do not err, the duties devolving upon each and all of us, as mere agents of the people, are, to my mind, both obvious and easy of comprehension. They are, evidently, to be confined to the labors of execution; to the toilsome, vexatious, and difficult endeavors to carry out and perfect the magnificent system of State Improvement which the legislation of past years has so laboriously matured.

In assuming such grounds I am not unconscious that, in the estimation of a very respectable portion of my fellow-citizens, it is considered that the state has undertaken entirely too much: that the very attempt to prosecute so great an enterprise, with the means in possession or expectancy, must, inevitably, involve us in debts beyond our abilities to pay; and, thereby, entail upon us, the worst of all evils—oppressive and ruinous taxation, without even the hope of relief or mitigation.—I am not unaware too that, in anticipation of such fearful consequences, prediction after prediction has, repeatedly, escaped from intelligent lips calculated to chill the ardour and to extinguish the noble spirit of daring which seems to have animated the bosoms of a large majority of the people. But the astonishing success which has thus far attended our progress: the realization of all, and more than friends the most sanguine dreamed of; nay, the flattering auspices of the future, should, it appears to me, dispel every doubt and quiet every fear which such boding prognostics may have created. To relieve myself, however, in speaking so encouragingly, from the imputation of overwrought zeal, perhaps, from the charge of being too deeply enamored with the enterprize, itself, to exercise a sound or unbiassed judgment, permit me, by departing a little, from the course usually adhered to on occasions like the present, to present you with some of the most important facts which the experience of the past most indubitably furnishes.

From documents that will in due time be laid upon your tables by the proper department, I have, at the expense of some labor, and with a view to the assurance of my own mind, gleaned a few interesting items, of statistics which, seem to me, to exhibit the truest picture of the strength and resources of the State as they now are, together, with the best data, upon which, to build calculations for the future. These have been taken uniformly, by me, from the official returns of the assessment of taxable property, made from the several counties in the State, agreeably to the requisitions of law.

If the rule, which some political economists have laid down be correct, that the wealth of a State consists in the number and industry of her population, Indiana has, surely, the most abundant reason to feel confident in, and proud of, her present condition and prospects. The yearly accession she has made to these undoubted elements of wealth has been no less cheering than wonderful. To prove this take the returns just referred to—the returns for instance, of 1830, '35, '36, and

'37, now on file in the office of the auditor of State, and compare them. These show that the taxable polls of 1830 amounted to 52,196; that the same for 1835 amounted to 64,289; for 1836 to 77,438; for 1837, the present year, to 85,000, or thereabouts. I am here constrained, however to acknowledge that, these returns are, in many respects, glaringly imperfect; that they fall greatly below the true estimate as the aggregate vote for Governor, this year, most conclusively demonstrates. This vote amounts to between eighty-three and eighty-four thousand, a little less, you perceive, than the number of taxable polls returned, whereas, in truth and in fact, all parties will admit that, not less than fifteen or twenty thousand voters either remained at home or did not vote. But still, imperfect as these returns are, they sufficiently indicate the progressive increase of population to answer our present purposes. They furnish the friends of the present system of State policy and improvement with the most exalting results. Instead of witnessing the gloomy process of depopulation, as was so confidently predicted, they have been gratified with the exhibition of scenes the very reverse. The tide of emigration has continued to swell around us beyond all former example; so much so, that the increase of taxable polls of the last two years, exceeds, the increase of the taxable polls of the five preceding years, upwards of eight thousand: In other words the increase of the last two years amounts to 20,711 polls, whilst the increase of the five preceding years amounts to only 12,093. I leave the facts, with you, without comment. Indeed, they need none; the language they speak and the conclusions they lead to, are as pointed and convincing as the most fastidious friendship could desire.

Again: On the subject of taxable property, the same documents display similar results equally as cheering and quite as conclusive. For the year 1830, it is true, we have not the means of ascertaining the aggregate value of property throughout the state—the revenue of this year having been collected under the old system—but, for the years 1835, '36, and '37, we are not left so completely in the dark. The new mode of taxation then, for the first time adopted and enforced, shows us that the sum total of all the taxables of these years ranges, nearly, as follows: that is to say, for the year 1835, 47,353,885 dollars; for 1836, 82,163,687 dollars; for 1837, 98,500,000 dollars. Do these flattering results, I ask—below the true estimate as they confessedly are—indicate, in the remotest degree, that any of the great fountains of our wealth have been drying up? With the utmost deference for the adverse opinions of others, I humbly conceive not. The Canal Committees of the Senate and House of Representatives last winter in their report, calculated, only, upon an increase of taxables from year to year at a rate of ten per cent. Thus far, at least, they have missed the mark widely. Instead of ten per cent. the returns of the present year exhibit an increase of near twenty.

If we descend from generals to particulars, the foregoing result will not be materially changed; but, on the contrary, we shall still be cheered by the discovery of new facts, all, alike, tending to sustain and

confirm the people in the course they are now pursuing. Take, for example, the eighteen counties bordering on the Ohio, including all the counties south of White river, and we find that, even there, in the oldest settled part of the state where the population, wealth, and improvements are comparatively fixed, and, consequently, less liable to fluctuation and change, the taxable polls increased, the present year, 1058, and the value of taxable property 2,405,838 dollars. I am not mistaken in this result: Because the returns of 1837, show the taxable polls of these counties to be 19,178, and the amount of taxable property, 25,442,307 dollars, whilst, the same returns for 1836 only give us 18,120 polls, and 23,036,469 dollars of taxables.

But to be more special still: Select the counties of Spencer, Perry, Crawford, Harrison, Clark, Jackson, Switzerland, and Ripley—through which none of the contemplated works of Internal improvements are to pass—and how stands the account there? Why, in 1836, they returned 7,898 polls and 8,176,374 dollars of taxables, and, in 1837, 8,200 polls and 8,798,540 dollars of taxables, showing the increase of the present over the past year to be 302 polls and 623,166 dollars of taxables. A result, certainly, which should be hailed by the friends of Internal Improvement as peculiarly ominous and encouraging; a result, which absolutely demonstrates that no part or portion of the State has been retrograding: that no part or portion of our fellow-citizens have been flourishing at the expense or upon the means of their neighbors; in short, that while the north has been springing forward with amazing rapidity, the south—the patriotic south! has been pursuing the even tenor of her way, prospering, even in those parts where no adventitious circumstances have been permitted to assist her.

The foregoing remarks being strictly applicable to our past and present condition, a glance at the future may not, perhaps, be unprofitable. We are all equally interested in the enquiry, What assurances have we that these prosperous circumstances are to continue, or, that the sources of our revenue are to expand in proportion to the increased demand that, we know, must be made upon us from year to year, to defray the interest upon our rapidly accumulating debt? In finding an answer to these questions, I am happy to say, that, we are not left to the uncertain guidance of mere conjecture. We have at our command, facts and data, as undoubted in their character, as those upon which we have just been commenting. By referring to the Reports of the Commissioner of the General Land Office, for a series of years back, we ascertain from them, the precise number of acres of the public land that have been sold each year within the limits of the state, and, consequently, the exact annual additions that will constantly be making to the present amount of our taxable land, as far in advance as 1841. For the satisfaction of my fellow-citizens, I here, furnish them with these important results. The quantity of public land sold, for instance, in 1832, amounted to 546,444 acres—these, as a matter of course, became taxable the present year; in 1833, 555,000 acres were sold—which become taxable in 1833: in 1834, 585,000 acres were sold—which become taxable in 1839: in 1835, 1,536,904 acres were

sold—which become taxable in 1840: in 1836, 3,249,210 acres were sold—which became taxable in 1841: making altogether a sum total of 6,522,958 acres, which, in 1841, is to swell the tax list of that year over and above the tax list of 1836: that is, instead of the five millions of acres and upwards subject to taxation in 1836, we shall have twelve millions and upwards subject to taxation in 1841. Is not this a most animating result? Could our prospective advancement in all the substantial elements of wealth be presented in bolder relief?

But again; in looking forward to the increase of taxation, it is quite natural that we should enquire how this burthen is to be distributed? Whether equitably or not? Whether it is so arranged that those who are most benefitted shall be required to pay most? Prompted by curiosity, I was led to a somewhat minute examination of these points, and I found, first, that of the 81 counties that appear upon the tax list of the present year, 52 of them are directly and immediately interested in the prosecution of some one of our public works, and 29 that are not; secondly, that the sum of all the taxables returned by the 52 counties this year, amounts to near seventy-six millions of dollars, while the same returned by the 29 counties, amounts to but twenty-two and a half millions; establishing the fact, to the satisfaction of the most scrupulous, that the former counties, even, of the burthens and expenses of the present year, pay near three and a half times as much as the latter. And I take it, that it needs but a moment's reflection to decide that, this ratio, great as it is, must continue to increase for years to come: For not less, perhaps, than eight-tenths of the six and a half millions of acres of land, which we have seen are to become taxable in 1841, lie in some one of the 52 counties, or in the north. And there is the north too, with her port of entry and harbor on the Lake; her shipping list, strange as it may sound to our ears; her one hundred thousand dollars worth of exports—her three hundred arrivals and departures of vessels, of various descriptions, the present year; her iron foundries; her numerous manufacturing establishments; her enterprising population—her flourishing towns and villages—the north, I say! hold out to us these most flattering indications that, she too, will be forthcoming at the hour of need—perhaps, by '41, certainly by '45—with her taxable list of thirty or forty millions of dollars.

With all these facts before us, can the remarkable circumstance—which made false prophets of so many of us—of the state's procuring last summer—in the midst of the universal wreck of credit which then pervaded the whole country—the necessary amount of funds, and on terms too as favorable as she asked for—remain any longer an enigma? I think not.

A question of very considerable importance, bearing directly upon the mode and manner of prosecuting our public works, was agitated amongst the people during the last summer with great energy and zeal; I mean the question of classification. A more imposing one, perhaps, has seldom or never been introduced to the consideration of any community—one, better calculated to rally to its embrace a formidable

host of friends. Concentrate, say the advocates of this policy, the entire energies of the state upon some one or two of the works, at a time, and finish them before any of the remainder are touched, and so on in succession until the whole are completed. Now the objection to all this, is not, nor, cannot be, to the abstract proposition itself, but purely to what must grow out of the effort to apply it—a division of friends—the clashing of adverse interests—in a word, the utter prostration of the whole system. Believing that such would be the result of its adoption, I have heretofore, on all fit occasions, declared publicly to my fellow-citizens, my decided hostility to it; and I have now only to add that I have seen nothing since to justify a change. Still if, in all this, I am mistaken—if my fears and apprehensions are groundless, here, I am happy to say, is the place to correct them. I stand pledged to the people, in this matter, to conform to their will as they may see fit to express it through a majority of both branches of the legislature. But in reality are these fears imaginary? Let us endeavor to test them. Some of the works must be postponed. But whose shall they be? Are you of the north instructed by your constituents to vote that their work shall be deferred until all or a part of the rest are completed? I put the same question to you of the Wabash—of the south—of the centre—of the east? If you are, why, then, every difficulty vanishes—no dissatisfaction can accrue—and the plan can be carried out successfully; and therewith I shall be content. But if, as I am led to believe, your instructions are directly the reverse—if you are sent here by your constituents to urge a speedy and energetic prosecution of the several works in which they are interested, I cannot, for the life of me, see how you are to classify them, in the way proposed, without engendering such hostilities and creating such divisions among you, as to prove fatal to the whole enterprize. In anticipation of such consequences, and with a view to escape from them, I have, in other places, suggested a different plan; a plan that can only be carried into effect by liberally indulging in a spirit of compromise. It is to concentrate the means of the state on portions of each work at the same time, commencing at the most profitable and commercial points to be designated by the legislature, or Board of Internal Improvement; to complete these portions respectively before others are touched; and as soon as completed put into use, in order that the state may be realizing something from them whilst she is in the act of finishing the remainder. In this way conflicting interests may be reconciled, harmony preserved, and the great mass of the people enlisted on the side of our Improvements. A point, by the way, of incalculable importance. For let the people of Indiana be united, let their means and resources be applied with all their skill and energy, and, I could almost venture to predict their achieving impossibilities. But sow the seeds of discord instead; call up the demon spirit of sectional jealousy to mingle in their councils, and the giant will instantly shrink into the dwarf, and all their efforts be attended by the mortifying concomitants of failure and disappointment.

It is highly necessary also, in the prosecution of our public works, that strict economy should be observed in the administration of every

department; lavish or unnecessary expenditures should be carefully avoided; the people should be satisfied that every dollar they appropriate shall be skilfully and legitimately applied and scrupulously accounted for; in fine, that such a line of policy should be selected and rigidly pursued as will tend most to relieve them from the burthens of taxation, and yet, attain for them, with commendable rapidity the great end desired.

Closely and inseparably connected as is the cause of education with the prosperity and successes of any people, it is unquestionably, the part of wisdom, and one of the first requisites of prudence in us, neither to forget nor lose sight of it in our zeal for the achievement of other objects. And I am proud to say that hitherto, we have not. The funds that have been set apart for education purposes in Indiana, are truly great and munificent, and need only, a corresponding energy and foresight in the application of them to procure the happiest results—to carry the light of intelligence and the spirit of inquiry into every family circle in the State. Entertaining such sentiments, I hope I need scarcely add, that I shall cheerfully endeavor to devote whatever ability or influence I may possess—official or otherwise—to aid in its promotion; to cheer its friends; and to rally to its support the good will and the best regards of my fellow-citizens generally.

Inasmuch, too, as the great and paramount interest of the State is, from the peculiarity of her position and soil, agricultural, it will at all times afford me unmingled satisfaction to contribute any and every thing in my power to encourage and sustain it. It is, recollect, for this end (and surely a nobler cannot be conceived) that the fortunes of Indiana have been ventured on the construction of so extensive a system of internal improvement. The friends of this system ardently hope, that the day will not be far distant when the million of freemen whose homes are to be reared and whose industry is to subdue the almost interminable forests in the interior, shall be enabled, by it, to enjoy like facilities—like advantages in commercial transactions, as are at present possessed by our more fortunate neighbors who dwell upon the banks of the Ohio. And, permit me to remark, that I hail the spirit displayed through the numerous agricultural societies and fairs created and held the past year in every part of the State as furnishing the best guarantee of future success and excellence in every branch of mechanical and agricultural skill. And to my fellow-citizens who are engaged in, at once so innocent—so happy, and so beneficial a scheme of improvement as these same societies indicate, in the utmost sincerity of my heart, I say, God speed you.

Having now freely and frankly communicated my sentiments in regard to the most prominent questions that are likely to engage your thoughts and deliberations for some time hence, I have only to add that I shall diligently seek to co-operate with you in the furtherance of all measures that may have for their object the prosperity and happiness of Indiana. And although I shall not pretend to bring to your assistance the aid of superior abilities, yet am I unwilling to acknowledge that I shall be behind you in the will or the inclination to serve my State to the utmost. And being that we are now on the threshold of

our official intercourse and duties, suffer me in conclusion to supplicate Almighty God to smile upon our labors; to light up before us the path of duty; to improve and direct our judgments; to inspire our hearts with becoming sentiments of kindness and affection for one another; and, finally, to bestow upon us the richest reward public servants can aspire to—the thanks, the commendation, and the support of intelligent constituents.

And the Senate returned to their chamber.

The Hon. Richard W. Thompson, President *pro tempore* rose, and delivered the following valedictory address:

Gentlemen of the Senate:

A few days previous to the close of its last session, the Senate selected me to preside over its deliberations. That station I accepted with much want of confidence, and if I have been enabled to discharge its arduous and responsible duties to the satisfaction of the Senate, it is owing to that spirit of generosity and kindness which has induced you to disregard the most manifest imperfections, in your general anxiety for the public welfare.

I now, gentlemen, surrender it into other and far abler hands, into which it has been placed by those who have the constitutional power of election, and, with much more pleasure than I accepted this chair, return, again to my seat amongst you. Permit me, however, gentlemen, to take this occasion to say, that whatever may be my condition in after life—into whatever sphere I may be thrown, I shall ever recur, with feelings of the most lively gratitude, to the kindness which I have received at yours and the hands of your predecessors. For that kindness, permit me to tender you my most heartfelt thanks.

Mr. Thompson of L. then conducted the Lieutenant Governor to the President's chair, who addressed the Senate as follows:

Gentlemen of the Senate:

On an occasion like the present, when about to enter upon the duties of an important office, as well upon, to me a new theatre of services and of public life, usage and custom would seem to require of me the form of an address, to the body over which I am called to preside; and were it not that usage and custom, rather than utility, have sanctioned and required this ceremony, I should certainly have contented myself with entering instantly upon the discharge of my official duties, instead of detaining you a single moment with any remarks of mine, which I am sure will poorly repay the Senate or the public for the time spent in uttering them.

It would be hypocrisy in me to assume a stoical indifference to the circumstances which surround me—to pretend to feel that which I do not feel, a competency to the discharge of the duties assigned me. The chair of the Senate has often been filled by able and accomplished presiding officers, men who have discharged its duties in a manner highly creditable to themselves and the State, with a dignity and competency to which I would aspire, but shall not hope to attain. Encouraged, however, by the indulgent character of the body, its perfect understanding of the duties of the chair, as well as its own duties, and its known character for order and decorum, I shall with some degree of confidence, enter upon the duties before me, knowing that I shall be aided and sustained by your kindness and intelligence. The duties of the Senate are more diversified than those of any other department or appendage of the Government. They are in their advisory powers, over appointments which have of late years become more numerous than formerly, executive in their character, and in the articles of impeachment, the Senate are called to exercise the highest judicial authority. This body then partakes in its character, of all the three Departments of the Government—Legislative, Executive, and Judicial. We are solemnly charged with duties the most grave and important, intimately connected with the liberties of the citizens, and the prosperity of the State. And well may we feel the weight of much responsibility, when on entering upon these duties, we lift our hands to Heaven and call the Searcher of all hearts to witness the purity of our intentions, and the manner in which we shall continue to discharge them.

It would also be ungrateful in me to pass by without notice, on this occasion, the highly flattering circumstances in which I have been called to the station before me. The approving and selecting voice of our fellow-citizens, is no less cheering and consoling to the man in civil employment, than to the soldier who has fought and bled for the liberties of his country.

It is as necessary for the one as for the other. But in a time of great political discord and strife, both in regard to the administration of the General Government and that of the State, to be called by so decided a voice to the second office of the State, is an honor more signal than I had any right to expect—a distinction for which I shall ever feel grateful, and which I shall endeavor to repay by the most faithful discharge of the duties required of me. My election was not the offspring of party, and my official conduct shall, I trust, prove that I have other and higher views, than the interests of party, in the discharge of all my official duties. The subject of our internal improvements, is one which more deeply than any other agitates the State. On this subject, my opinions belong to the public, and I have nothing to conceal. I consider the State committed to a system of internal improvements more broad and expansive indeed, than I could wish; but the State is in a position from which she cannot retreat but with great dishonor, and if possible, greater loss. The credit of the State must be maintained. Her resources must be carefully husbanded; her public works pushed forward with energy, but with the greatest economy; finishing in the

shortest possible time, the works that will be the most productive, and that will relieve the State from charge, progressing, however, with all, in the observance of that public faith, which our acts and our legislation have heretofore inspired. There are, it is true, among us a large number of our citizens, men of unquestioned integrity and intelligence, who look to our system of improvements as an evil of great magnitude, as too heavy to be borne—one from which we shall never see ourselves released, and which will transmit to posterity a debt which the present generation will be unable to pay. It is our duty to respect these opinions and these fears, and indeed to participate in them so far as may be required by the strictest caution and care.

This however, is the gloomy side of the picture, and although caution is always the parent of security, yet when we look to the history of such public works as we have undertaken, and to the condition of the neighboring States which have constructed them, we see none of the evils fancied. We see a tide of unexampled prosperity rolling in upon them, and bearing them along with it to still higher elevation of greatness and prosperity. We see other states who have gone before us, in this path of enterprise and industry, outstripping their neighbors in commerce and in wealth, and in every thing which marks the way of national greatness in a State. Let us not then be discouraged by the magnitude of our undertakings, but in the true spirit of chivalry press forward, and the honor we shall achieve will be proportionate to the obstacles we have overcome and the extent of that we may have accomplished. A few years will complete the Wabash and Erie Canal, and we shall have an inland navigation uniting the Mississippi and the Northern Lakes, a work more useful, more splendid and important than any other on the American continent; a work appropriately our own and to be achieved by no other hand because it is chiefly located within our border and could be located no where else.

This work cannot fail to be highly beneficial and creditable to the State, and aided as we have been by the General Government in the construction of this primary work, it can never be classed among those which have been burdensome to the State. The time, too, cannot be far distant when we shall have an easy communication between the Ohio River and Lake Michigan by means of a Railroad or Turnpike, as well as the completion of many other works of much importance contemplated by our Legislature on this subject.

Our State is increasing with unparalleled rapidity in population and wealth. We are already ample in our resources, rich in the healthfulness of our climate, the fertility of our soil and our productions; in the national highways of commerce, the navigation of our rivers, and richer still in the labor, industry, and enterprise, of our intelligent and virtuous population. In political power we shall probably at the census of 1840 take the fifth rank among the States. Let us then improve the advantages we have. Let us nurture and cherish our resources. Let us vie with each other only for the public good. Let our combinations be to promote the best interests of the State; and our polar star the rising greatness of Indiana. Every view we can

take of our present condition and further prosperity enlarges our conception of the value of our Federal Union. The Union dissolved and what would be the condition of these States? They would be a group of proud and towering Sovereignities, acknowledging no superiors, bound by no common interests, having no arbiter of rights, but each ready to draw the sword in defence of its own, or if ambition should prevail, to usurp those of a rival neighbor. The States on the seaboard would shut out those of the interior from all participation in foreign commerce. They would proudly call the ocean their own, and levy heavy contributions on the "commerce among the States." Louisiana would shut us out from the Gulf of Mexico, and New York and Pennsylvania would cut us off in that section from the sea. We should not even have the right guarantied by former treaty with Spain, of a place of deposit at New Orleans. Let us cling then to the Union of the States as the anchor of our hope both for the peace and prosperity of the country.

On motion,
The Senate adjourned.

THURSDAY MORNING, DEC. 7.

Senate assembled.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

Mr. PRESIDENT—

The House of Representatives have reciprocated the resolution of the Senate, appointing a committee of two members on the part of the Senate, to act with a similar committee to be appointed on the part of the House of Representatives, to invite the Rev. James Havens to unite with both branches of the General Assembly, in the hall of the House of Representatives, at 10 o'clock this morning, in offering to the Supreme Ruler of Nations our *devout* acknowledgments of Gratitude for past blessings, and our *humble* supplication for their continuance.

Messrs. Jones and Carleton are appointed the committee on the part of the House of Representatives.

Mr. Vawter of the Committee appointed for that purpose offered the following report:

Mr. PRESIDENT—

The joint committee appointed to wait on the Rev. Mr. Havens, minister of the Gospel, and invite him to attend in the hall of the

House of Representative this day and offer up devout thanksgiving and prayer to Almighty God, in behalf of the members of this General Assembly, have performed that duty, and have received for answer that he will attend at the hour of 10 o'clock this morning, in the Representatives Hall in compliance with the resolution of the two Houses.

Mr. Thompson of Perry, offered the following resolution.

Resolved, That the Senate will (the House of Representatives concurring therein,) proceed, on Friday next, at 10 o'clock, A. M. to the election of a Treasurer of State, Auditor of Public Accounts, of a Circuit Judge in the 1st, 2d, and 3d, Judicial Circuits; also to the election of a Prosecuting Attorney for the 1st, 3d, and 7th, Judicial Circuits, and that the House of Representatives be informed of the adoption of this resolution and their concurrence requested.

On motion of Mr. Clark, said resolution was laid upon the table.

Leave being granted,

Mr. Morgan of Rush, introduced a bill (No. 1) to repeal a part of the "Act entitled an act to provide for the election of United States' Senators and for other purposes—approved Feb. 3d, 1837.

On motion of Mr. Smith, it was ordered that the rules of the Senate be dispensed with, and the bill read a second time now. Whereupon the bill was read a second time.

On motion of Mr. Smith, the bill was amended by striking out the words, "except so much thereof as relates to the election of United States' Senator."

On motion of Mr. Morgan of Rush, it was ordered that the rules of the Senate be further dispensed with—the bill be considered as engrossed and read a third time now.

And, on the question, shall the bill pass? The ayes and noes were called for;

Those who voted in the Affirmative are,

Messrs. Bell, Brady, Chambers, Cole, Dunn, Elliott, Finch, Hackett, Little, Moore, Morgan of Decatur, Morgan of Rush, Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Terman, Thompson of Johnson, Tuley, Walker, Watts of Dearborn, Watt of Union, and Vawter—26,

Those who voted in the Negative are,

Messrs. Baird of St. Joseph, Beard of Montgomery, Bradbury, Casey, Cathcart, Clark, Crawford, Daily, Dobson, Dunning, Ewing, Kennedy, Mitchell, Moffitt, Thompson of Lawrence, Thompson of Perry, and Trask—17.

And so the bill was passed.

On motion of Mr. Morgan of Rush, the title to the bill was amended by striking out the words "a part of."

Ordered that the House of Representatives be informed of the passage of the bill, and their concurrence requested.

Mr. Thompson of Perry, offered the following resolution:

Resolved, That the Senate will, (the House of Representatives concurring therein) proceed, on Friday next at 10 o'clock, A. M. to the election, of a Treasurer of State, and an Auditor of Public Accounts, to fill the vacancies occasioned by the expiration of the term of service of the present incumbents—and that the Secretary inform the House of the adoption of this resolution.

On motion, ordered to lie on the table.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend in the hall of the House of Representative instanter, to hear the Rev. James Havens offer up to the throne of grace solemn prayer in behalf of the General Assembly, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the hall of the House of Representatives, where a solemn and appropriate prayer, was offered up to the throne of grace by the Rev. James Havens.

And the Senate returned to their chamber.

On motion of Mr. Clark, the following resolution was adopted.

Resolved, That when the Senate next adjourns it will adjourn, to meet on to-morrow morning at the usual hour.

And on motion the Senate adjourned.

FRIDAY MORNING, DEC. 3.

Senate assembled.

The President announced to the Senate the following Standing Committees.

ON ELECTIONS,

Messrs. Smith, Chambers, Brady, Green, Moore, Terman, Little Hoagland, Crawford, Stewart, and Bowen.

ON WAYS AND MEANS.

Messrs. Elliott, Morgan of Rush, Watt of Union, Walker, Finch, Moffatt, Puett, Tuley, Dobson, Watts of Dearborn, Cathcart, and Vawter.

ON THE JUDICIARY.

Messrs. Thompson of L., Thompson of P., Colerick, Dunning, Hackett, Kennedy, Baird of St. J., Elliott, and Finch.

ON EDUCATION.

Messrs. Dunning, Trask, Ewing, Thompson of P., Dobson, Cole, Stanford, Smith, Mitchell, Stafford, Vawter, Baird of St. J., Moffatt, and Bowen.

ON MILITARY AFFAIRS.

Messrs. Morgan of R., Morgan of D., Bell, Ewing, Stewart, Casey, Tuley, Smith, Sigler, Crawford, Cole, Green, and Watts of D.

ON ROADS.

Messrs. Beard of M., Daily, Cole, Green, Chambers, Moore, Cathcart, Hoagland, Stafford, Terman, and Watts of D.

ON CANALS AND INTERNAL IMPROVEMENTS.

Messrs. Clark, Beard of M., Sigler, Thompson of L., Dunn, Hackett, Casey, Mitchell, Bell, Thompson of J., Colerick, Bradbury, Morgan of R., and Mount.

ON THE TOWN OF INDIANAPOLIS.

Messrs. Brady, Little, Puett, Thompson of J., Walker, Trask, Mount, Stanford, Puett, Kennedy, Watt of U., and Dobson.

ON CLAIMS.

Messrs. Sigler, Bradbury, Walker, Mount, Dunn, Daily, Stafford, Stanford, Cole, Casey, Hackett, and Bowen.

ON STATE PRISON.

Messrs. Daily, Hoagland, Vawter, Mitchell, Watt of U., Green, Brady, Thompson of J., Trask, Cathcart, Tuley, and Terman.

ON UNFINISHED BUSINESS.

Messrs. Kennedy, Bradbury, Smith, Cathcart, and Moore.

ON STATE LIBRARY.

Messrs. Thompson of P., Finch, Bowen, Chambers, Bell, Baird of St. J., Colerick, Clark, Daily, Dunning, Dobson, and Elliott.

ON PUBLIC BUILDINGS.

Messrs. Walker, Little, Stewart, Terman, Watts of D., Morgan of D., Bowen, Kennedy, Crawford, and Moffat.

ON THE STATE BANK.

Messrs. Vawter, Moffatt, Tuley, Elliott, Dunn, Clark, Thompson of L., Baird of St. J., Beard of M., and Morgan of R.

ON THE CANAL FUND.

Messrs. Colerick, Mitchell, Clark, Stafford, Thompson of L., Thompson of P., Sigler, and Hackett.

ON AGRICULTURE.

Messrs. Stewart, Little, Beard of M., Hoagland, Crawford, Watt of U., Tuley, Brady, Bradbury, Chambers, Morgan of D., Daily, and Mount.

ON CORPORATIONS.

Messrs. Thompson of P., Kennedy, Thompson of J., Dunn, Casey, Moore, Puett, Smith, Dunning, and Finch.

ON ENROLLED BILLS.

Messrs. Stanford, and Ewing.

The President then announced to the Senate the following as the order of business to be observed during the present session until changed by the Senate, viz:

1. Reading of the Journal.
2. Petitions, Memorials, and Remonstrances.
3. Reports from Standing Committees, as follows, to wit:
 1. On Elections.
 2. On Ways and Means.
 3. On the Judiciary.
 4. On Education.
 5. On Military Affairs.
 6. On Roads.
 7. On Canals and Internal Improvements.
 8. On the Town of Indianapolis.
 9. On Claims.
 10. On the State Prison.
 11. On the State Library.
 12. On Public Buildings.
 13. On the State Bank.
 14. On the Canal Fund.
 15. On Agriculture.
 16. On Corporations.
 17. On Unfinished business.
4. Reports from Select Committees.
5. Resolutions of the Senate.
6. Joint Resolutions.
7. Bills.
8. Orders of the Day.

The committee on Enrolled bills is not restricted by the preceding Rules, but may report at any time.

The President laid before the Senate the following annual report of the Treasurer of State:

HON. DAVID HILLIS,

President of the Senate.

Herewith are transmitted to be laid before the Senate, 1st. The Treasurer's Report of the general state of the Treasury.

2d. The Loan Office Report. Statement A presenting the operations of that department in reference to the College Fund. Statement B, the Saline Fund, and statement C, the Congressional Township Fund.

The items of the Contingent Fund.

A bill of the purchase and cost of Stationary.

N. B. PALMER,
Treasurer of State.

Treasurer's Office, 7th ec. 1837.

No 1.

TREASURY DEPARTMENT, }
Indianapolis, 7th Dec. 1837. }

The Treasurer of State, in obedience to the directions of the "Act concerning the Auditor of Public Accounts, and Treasurer of State," submits the following report of the Revenue and Expenditures of the State, and the operations of the Loan Office, &c. from the 1st of December, 1836, to the 30th of November, 1837, both inclusive.

Receipts during the fiscal year from revenue:

	of 1836	60,081 88
" " " " " 1837		4,355 35
Rents paid by Superintendant of State Prison	700 00	
Lots, &c. at Indianapolis	800 00	
From sales of Michigan Road Lands	4,346 17	
Estates without heirs	63 50	
Incidental payments	511 50	
		6,421 17

The receipts and credits in the College branch of the Loan office department have been,—

Balance of this fund on hand at last report	963 36
Received from William Alexander, commissioner of Reserve township in Monroe county	1,577 92
James Smith commissioner in Gibson county	383 00
Loans refunded	8,815 62
Interest on Loans	3,302 37

The amount paid into the Treasury of Saline fund, appertaining to the Loan office, has been from Andrew Wilson, commissioner of Saline lands in Orange county

Henry Young, commissioner of Washington Co.	1,754 17
	1,173 13

Milton M'Phetridge " Monroe Co.	435 95
Loans refunded	1,720 00
Interest on loans	1,599 30
Amount overpaid the present year by the Treasurer of State	5,123 75
	<u>\$98,206 97</u>

The Expenditures and Liabilities of the Treasury during the same period have been—

Over payments made by Treasurer of State during the financial year of 1836, on account of the Treasury proper	\$5,151 30
Pay and mileage of members of the Legislature, including clerks, doorkeepers, &c.	24,379 24
Printing and Stationary	9,024 56
Specific appropriations	5,321 45
Contingent expenses	1,017 52
Premium on wolf scalps	412 50
Pay of Probate Judges	3,196 50
“ Executive officers	2,999 00
“ Judges of Supreme and Circuit Courts	9,558 39
“ Circuit Prosecutors	1,344 62
“ Adjutant and Quarter-master Generals	208 33
Payments on account of State House	6,641 51
“ State Library	301 29
“ State Prison	874 62
“ Presidential election	312 02
Estates without heirs refunded	28 28
Michigan Road Scrip redeemed	3,831 00
Michigan Road	980 19
School moneys refunded	575 09
Geological Survey	666 78
The disbursements on account of the College branch of Loan office have been—	
Payment on account of Indiana College, including incidental expenses of Loan office	4,650 19
Loans of College Fund	10,243 50
Payments and liabilities on account of Saline fund subject to the Loan office laws, are—	
Over payments in 1836	77 67
Loans of Saline Fund	6,140 00
Saline Fund expenses	263 42
	<u>21,374 78</u>
	<u>\$98,206 97</u>
Warrants outstanding—No. 2068 State Prison	\$ 37 50
No. 2544 Judiciary	375 00

The Treasurer of State submits the following estimate of the Receipts and Expenditures for the year 1838:

Revenue of former years	\$ 1,000 00
Revenue of 1837 -	146,000 00
Rents from superintendent of State Prison	1,000 00

Making the total available means for 1838	<u>\$148,000 00</u>
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The expenses will be,—as estimated below:

For salaries of Judges and Prosecutors,	\$14,900 00
Executive officers,	3,200 00
Printing, stationary and distributing laws,	9,000 90
Legislature,	35,000 00
Contingent and specific appropriations,	5,500 00
Probate Judges,	4,000 00
Wolf scalps,	700 00
State prison,	1,000 00
State Library,	350 00
Adjutant and Quarter master Generals,	150 00
State House,	1,200 00
Geological Survey,	1,500 00
	<u>76,500 00</u>

To which may be added the following liabilities of the Treasury, viz:

Over payments by the Treasurer,	\$5,123 75
Unaudited claims,	12,000 00
College fund in Treasury,	648 58
Saline " " "	201 46
Estates without heirs,	1,878 38
Conscientious fines to be distributed,	543 00
	<u>20,395 17</u>
	<u>\$96,895 17</u>

Leaving an estimated balance over the expenditures of 1838, of \$51,104 83.

The main portion of this balance will be paid over to the Fund Commissioners, under the act of last session, to be applied to the payment of interest on the State loans.

The revenue due and payable at the Treasury since my last annual report, has been paid into this department by the various collecting officers, with the same promptitude which has been so creditable to them for the several past years.

The nett amount of revenue of 1836, agreeably to the assessment returns made to the Auditor of Public Accounts by the different clerks, was \$57,366 91.

It will be seen by this report that the amount of revenue of that year, actually paid into the Treasury, is \$60,541 83; exceeding the assessment return \$3,173 97, besides the amount of \$1,360 96 yet due from collectors, making in all, the amount of \$4,534 93 of revenue over the amount of assessments.

This fact, not only proves the faithful and assiduous discharge of duty by collecting officers, but also, makes manifest the imperfect character of our revenue laws in reference to assessments, or great carelessness and neglect in the officers having charge of that duty.

The amount of revenue lost to the Treasury annually, by these partial and imperfect assessments, exceeds, no doubt, one-tenth of the whole amount of the actual assessments.

This loss to the Treasury, together with the fact, that great injustice is consequent upon such partial exactions from our citizens, would seem to call aloud for such amendments to our revenue laws, as will, in the future, obviate the difficulty complained of. It is respectfully submitted to the General Assembly, whether it would not be advisable to authorize triennial assessments; subjecting the several counties at each triennial year, to such thorough and searching survey, by a principal and two assistant assessors, as would insure a full and perfect assessment of all the property, together with an equitable and uniform valuation of the same.

The additional expense may perhaps, be regarded as an objection; but when it is considered that the expense of assessments for the two years intervening the triennial assessments, would be much less than at present, (the changes and transfers of property being only necessary to be noted,) would make the aggregate expense not much, if any, greater than at present.

The amount of revenue of 1837, exclusive of that portion which is directed by law to be paid over to the Fund Commissioners, will probably be adequate to all the demands upon the Treasury the coming year, including the deficit of the past year, and leave a balance in the Treasury to be carried to the credit of 1839, of about fourteen thousand dollars.

The rapidly increasing population and wealth of the State, has swelled the amount of assessments considerably above what had been anticipated, and which will bring into the Treasury a corresponding increase of revenue.

It will be seen that the payments from the Treasury the present year, exceed the current available means by the sum of \$5,123 75. This, with the amount of unaudited claims, supposed to amount to about \$12,000, will make an aggregate deficit at the commencement of the financial year 1838 of \$17,123 75.

There has been received from the United States on deposit, the sum of \$860,254 44. Of this amount, I have disbursed to the loaning agents of the several counties, the sum of \$567,126 16—being the entire amount of the two first instalments, except the sum of six thousand three hundred seventy-six dollars and eighty cents, not called for by the counties, and which has been loaned agreeably to law. The third instalment, being \$286,751 48 has been paid over to the Commissioners of the Sinking Fund, as was directed in the event of the non-establishment of additional branches of the State Bank. A statement and abstract of the condition of this fund, and the operations of the several loaning agents, will be made the subject of a separate communication.

The operations of all the departments of the loan office, continue to manifest the admirable character of the laws which govern their action.

The prompt payment of interest on loans, and the refunding such loans as become due has been such the past year, that no necessity has existed for advertising for delinquency in any case.

A large majority of the loans are now at nine per cent. interest; at which rate, although regarded high, applications are made for loans far beyond the current accumulating amounts to be loaned.

The expenditures on account of the State House will amount the present year to about \$2,500.

The main items of expense have been, continuation and completing the grade—shelving, carpeting, and furnishing the Library rooms—carpeting the committee rooms—painting the fence—repairing the roof, &c.

Among the payments under this head, have also been, for a considerable amount of the expenses attendant upon the last session of the General Assembly, left unprovided for in the specific appropriation bill, on account of a belief of the necessity of greater scrutiny in reference to the claims presented.

The roof of the State House was greatly injured by a violent tornado which occurred in May last, which took off a portion of the zinc covering and otherwise injured the building, all of which has been repaired; but it is doubtful whether the building can be preserved, without an entire new roof; the present one having been from the first very deficient and imperfect.

A detailed statement of the various items of expenditure will be shortly laid before the Legislature.

All of which is respectfully submitted.

N. B. PALMER,
Treasurer of State.

No. 2.

STATEMENM A—COLLEGE FUND.

REPORT of the Operations of the College Fund, from the 1st December, 1836, to the 30th November, 1837.

RECEIPTS.

Cash on hand at last report	\$963 36
Received from William Alexander, Commissioner of Reserved Township in Monroe county	1,577 92
Received from James Smith, Commissioner of Reserved Township in Gibson county	383 00

Loans refunded	8,815 62
Interest on Loans	3,802 37
	<hr/>
	15,542 27
	<hr/>

CONTRA.

Amount of Loans as per list accompanying	\$10,243 50
State Seminary, including incidental expenses	4,650 19
Cash on hand	648 58
	<hr/>
	15,542 27
	<hr/>

STATEMENT B—SALINE FUND.

REPORT of the Operations of the Saline Fund, from the 1st December 1836, to 30th November 1837.

RECEIPTS.

Received from Andrew Wilson, Commissioner of Saline	
Lands in Orange county	\$1,754 17
" from Henry Young, Commissioner of Saline Lands	
in Washington county	1,173 13
" from Milton McPhetridge, Commissioner Saline	
Lands in Monroe county	435 95
Loans refunded	1,720 00
Interest on Loans	1,599 30
	<hr/>
	6,682 55
	<hr/>

CONTRA.

Amount overloaned last year	\$77 67
Amount of Loans as per list accompanying	6,140 00
Saline Fund expenses	263 42
Cash on hand	201 46
	<hr/>
	6,682 55
	<hr/>

STATEMENT C—CONGRESSIONAL TOWNSHIP FUND.

REPORT of the Operations of the Congressional Township Fund,
from the 1st December 1836, to 30th November 1837.

Received from School Commissioner, Ripley county	\$285 00
Interest on Loan	99 00
	<hr/>
	384 00
	<hr/>

CONTRA.

Amount overloaned last year	\$27 76
Amount paid School Commissioner of Ripley county	41 23
Incidental expenses	19 09
Cash on hand	295 92
	<hr/>
	384 00
	<hr/>

A List of Borrowers of the College Fund.

Samuel Shaul,	\$500 00
John Smith	100 00
Michael Mitchell	100 00
Miles & Basalell Hunt	750 00
Lewis W. Hunt	500 00
William Hunt	500 00
E. Wood & B. Hunt	500 00
Aaron Thompson	500 00
Moses B. Portlock	175 00
Elijah Vice	125 00
Henry Wikoff	150 00
James Bobbit	100 00
George Teague	500 00
Daniel B. McMillan	100 07
Jonathan Hougham	300 00
Peter Lennen	400 00
Samuel Lennen	300 00
Ebenezer Cross	200 00
William H. Darnell	500 00
Samuel Duke	50 00
Elias C. Baldwin	400 00
Joseph J. Boon	300 00
James Bates	87 50
John Derrickson	106 00

James M. Nickol	150 00
John W. Cox	200 00
Elias N. Shiner	150 00
Erasmus Powell	300 00
James Gregory	200 00
James Etter	200 00
Henry Wyman	500 00
George Kingrey	300 00
Samuel Merrill	500 00
Samuel Mathers	500 00

\$10,243 50

A List of Borrowers of the Saline Fund.

Jacob Dearing	100 00
John Myers	500 00
Jesse T. Matlock	500 00
William C. Davis	150 00
John S. Keith	300 00
Levi Leary	100 00
Ira Kingsbury	200 00
Samuel Chambers	210 00
Philip M'Clain	200 00
Richard Watts	30 00
Ambrose P. Stone	500 00
William Heaton	500 00
John Jenison	250 00
John Dunn	250 00
Zachariah Collins	500 00
J. Standeford & D. Sigler	500 00
Harry D. Huntingdon	200 00
Milton Coffin	300 00
George Choderick	200 00
Theodore V. Denny,	350 00
Robert C. Wishard	300 00

\$6,140 00

Contingent Expenses from 1st December, 1836, to 30th November, 1837.

Paid C. Gordon, commission and storage of arms	\$12 00
“ J. G. Clendenin, do do	10 37
“ Henry Dooley do do	23 00
“ John Cain for postage	76 77

" John Myers for transportation and storage of arms	18 50
" Stacy & Williams Stationary for Secretary's office	15 75
" D. W. Noe, services as Assistant Door-keeper of Senate	13 50
" R. Schoonover, Transportation of Arms	7 75
" C. C. Palmer, for arranging archives of H. R.	4 00
" Frederick Folts, painting signs for State House	76 00
" J. M. Moore & Co. for Stationary	5 38
" C. & J. Cox, for repairs on Governor's House	12 56
" John Cain, for Postage	116 76
" Wm. Sheets, his expenses in attending the transfer of the State Prison	32 00
" W. J. Brown, Stationary for Secretary's office	2 87
" Douglass & Noel for Printing	31 84
" Black & Ball, Transportation of arms	16 75
" Landis & Morris, Stationary for Auditor's office	3 19
" S. C. Stevens, services in Saline Land Suit in Dear- born county	50 00
" Bery Percell, Transportation of Arms	35 82
" L. W. Johnson, transportation of Public Documents	7 20
" John Cain for Postage	111 20
" Wm. Tate, Transportation and Storage of Arms	27 22
" Underhill & Willets, for Gate Balls	2 04
" R. & V. C. Hanna, Stationary for Public Offices	14 87
" T. M. Smith, " " "	5 00
" Samuel Wilson, Transportation of Arms	1 37
" Hazlett & Wilson, White Lead for Governor's Circle	34 43
" W. Y. Wylie, Stationary for Secretary's office	14 31
" Frederick Folts, Signs for Offices of Auditor and Se- cretary of State	6 00
" Seibert & Buehler, White Lead for Governor's Circle	11 25
" J. B. Mix, Services in Geological Survey	5 00
" John Cain, for Postage	121 64
" W. J. Brown transportation of Books for State Library	15 75
" Jenison & Nourse, Binding Books for Auditor's office	7 75
" John Matthews, Transportation	10 75
" H. Porter & Co. for Stationary	6 93
" Douglass Maguire, Governors' private Secretary	50 00
	<hr/>
	<u>\$1,017 52</u>

*Amount paid by the Treasurer for Stationary, Carriage, &c., from De-
cember 1st, 1836, to November 30th, 1837.*

Bought of M'Clelland & York, Candles for 1836	\$72 38
Bought of Sheets & Grover,	
10 Reams Flat Cap, No. 1.	\$3 50
2 do heavy Folio Post	10 00
	20 00

200 do	Royal No. 3	4 00	800 00
150 do	do No. 3	3 50	525 00
20 Boxes			20 00
David Vestal, Transportation			47 56
William Robbins, do			46 74
Isaac Lawrence, do			39 00
Bought of Leeds & Jones,			
120 Reams Royal No. 4	3 25		390 00
Carriage on same			30 00
Bought of W. R. Beach,			
20 doz. Cotton Tape	16		3 33
20 Ps. Ribbon	25		5 00
Bought of Wm. Proctor & Co.			
440 lbs. mould Candles			37 20
10 boxes			2 50
Bought of A. Hart, 3 cards Steel Pens			3 50
James Gibson, Transportation			6 82
James Piercy do			2 00
S. S. Gillet, freight			1 50
R. & V. C. Hanna, for Stationary			20 56
John Matthews, Transportation			18 50
			<hr/>
			<u>\$2,529 59</u>

The President also laid before the Senate a report from the President Directors & Co. of the New Albany Branch Bank; which was, On motion of Mr. Colerick, referred to the committee on the State Bank.

On motion of Mr. Clark,

Resolved, That two hundred copies of the list of standing committees and order for business, be printed for the use of the Senate.

On motion of Mr. Clark,

Resolved, That 2000 copies of the Inaugural Address of His Excellency, Gov. Wallace, be printed for the use of the Senate.

Mr. Stewart presented the petition of George Flower and others, praying the relocation of the state road from the Gibson county line, &c..

Which, being read, was referred to the committee on roads.

Mr. Crawford presented the petition of James Davis and others, praying the location of a state road, beginning at the Fort Wayne state road, &c.,

Which being read, was referred to the committee on roads.

Mr. Crawford presented the petition of Jacob Russel and others, praying the location of a state road beginning at Jamestown, Elkhart county, thence to Plymouth, county seat of Marshall county, &c.

Which being read, was referred to the committee on roads.

The following message was received from the House of Representatives by Mr. Elliott their clerk.

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That this House Will, (the Senate concurring therein) proceed to the election of President Judges of the 1st, 2d, and 3d judicial circuits of the State of Indiana; and Prosecuting Attorneys for the 1st and 3d Judicial Circuits—Treasurer of State, and Auditor of Public Accounts, on Friday instant at 10 oclock A. M..

On motion, laid upon the table.

On motion of Mr. Clark,

Resolved, That the credentials of the newly elected Senators, be referred to the standing committee on elections.

The following message was received from the House of Representatives by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives have passed the engrossed bill of the Senate, entitled,

No. 1. An act to repeal an act to provide for the election of United States Senator, and for other purposes, approved February 3, 1837, with one amendment, in which the concurrence of the Senate is requested.

On motion of Mr. Little, the amendment of the House of Representatives to the said bill, was concurred in by the Senate.

On motion of Mr. Colerick.

Resolved, That the Treasurer and Auditor of State be requested to lay before the Senate a schedule shewing the whole amount of their respective salaries, under all laws or parts of laws, whether fixed by law or depending on contingencies, as well as fees, so as to exhibit the whole amount they respectively receive, as such officers.

Mr. Thompson of L. gave notice that, on tomorrow, he would move to amend the standing rule of the Senate in relation to the appointment of the committee of canals and internal improvements, so as to add the Senator from St. Josephs to that committee.

Mr. Morgan of R., also gave notice that he would move to add the Senator from Ripley to said committee.

On motion of Mr. Ewing,

Resolved, That the Board of Internal Improvements now in session, be required to furnish the Senate, at as early a day as practicable with an expose of the proceedings had by said Board, in carrying out the provisions of the act of the Legislature, entitled an act to provide for a lock in the pool dam near Delphi, approved, February 2, 1837.

On motion of Mr. Ewing,

Resolved, That the Board of Internal Improvement be and they are hereby required to report to this Senate at as early a day as is practicable, the result of the late survey made by said Board on the Michigan Road, in conformity with an act of the Legislature, entitled an act

to provide for the improvement of the Michigan Road north of Indianapolis and for other purposes, approved, February 2d, 1837; and if said report cannot be made without delay, that said Board be requested to advise the Senate of the causes of the delay;

Mr. Dobson offered the following resolution:

Resolved, That numbers of the standing rules of the Senate, together with the Joint Rules be printed for the use of the members of Senate;

Which resolution was referred to a select committee composed of Messrs. Dobson, Morgan, & Thompson of L.

On motion of Mr. Baird of St. Jos.

Resolved, That the committee upon the Judiciary be instructed to inquire into the expediency of requiring prosecuting witnesses to pay costs in cases of misdemeanors where there is a failure of conviction; with leave to report by bill or otherwise.

Mr. Dunning, on leave being granted, introduced a bill, No. 2, "to provide for the division of the 7th and the formation of the 10th judicial circuits, and for other purposes;"

Which being read a first and second time by consent, was,

On motion of Mr. Dobson, referred to a select committee.

Ordered, That Messrs. Dunning, Dobson, Moffitt, Moore, Sigler, Thompson of L., and Turman, be that committee.

Mr. Thompson of L., on leave being granted, introduced a bill No. 3, legalizing certain proceedings in relation to certain school lands and school trustees in Lawrence county;"

Which being read a first and second time by consent, was ordered

On motion of Mr. Thompson of L., to be considered as engrossed and passed to a third reading now.

So said bill was read a third time now and passed.

Ordered, That the Secretary inform the House of Representatives of the passage thereof, and request their concurrence.

And on motion the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Stanford of the joint committee on enrolled bills, now report:

Mr. PRESIDENT—

The joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bill of the Senate,

No. 1, entitled an act to repeal an act entitled an act to provide for the election of United States' Senator and for other purposes, approved Feb. 3, 1837,

and the same truly enrolled.

Mr. Mitchell offered the following resolution:

Resolved, That the committee on education be instructed to report a bill constituting the Indiana College "A State University," with power and privileges commensurate with the dignity and importance of the State.

On motion of Mr. Clark,

Said resolution was so amended as to instruct the committee to inquire into the expediency thereof.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed the engrossed bill of the Senate,

No. 3—An act legalizing certain proceedings in relation to certain school lands and school trustees in Lawrence county, without amendment.

The Speaker of the House of Representatives having signed an enrolled bill of the Senate,

No. 1—An act to repeal an act entitled an act to provide for the election of United States' Senator and for other purposes, approved Feb. 3, 1837, I am directed to bring it to the Senate for the signature of the President thereof.

The President having signed the enrolled bill referred to in the message, it was committed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

Mr. Vawter offered the following resolution:

Resolved, That the public printer be directed to print _____ copies of the Journal of the Senate of the present session.

On motion, the blank was filled with 500 and adopted.

On motion of Mr. Moffatt,

Resolved, That the judiciary committee be requested to inquire into the expediency of amending the probate law in the following manner, viz: Requiring the judge to keep his own records as well as the books and papers of the court; that he keep an office open at all times for the transaction of business at the county seat, and as a compensation for his services he receive the emoluments of the office.

On motion of Mr. Little,

Resolved, That a select committee be appointed to inquire into the expediency of so amending the act for the appointment of trustees to receive deeds for lots on lands given or purchased for the use of schools, meeting houses, or masonic lodges, so as to embrace lots given for the use of burying grounds.

On motion, referred to a select committee.

Ordered, That Messrs. Little, Thompson of P. and Ewing be that committee.

On motion of Mr. Thompson of Lawrence,

Resolved, That the committee on the state library be instructed to inquire whether manuscript copies of the Journals of the Senate and House of Representatives have been preserved; and if not that they be instructed to report a bill to the Senate making provision for the preservation of the original journal, and furnishing the state printers with duplicates thereof.

Mr. Ewing of the joint committee on enrolled bills now report,

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they did this day present to his Excellency the Governor, for his approval and signature, the following bill, to-wit:

No. 1—An act to repeal an act entitled an act to provide for the election of United States' Senator and for other purposes, approved Feb. 3d, 1837.

On motion of Mr. Smith,

The message from the House of Representatives containing resolution, relating to the election of judges, prosecuting attorneys and other officers, was taken from the table.

Mr. Thompson of L. moved to strike out all that part which relates to the election of prosecuting attorneys, treasurer of state and auditor of public accounts.

While the question on the amendment was pending,

Mr. Moore moved to lay the resolution and amendment on the table; Which was adopted.

The following message was received from his Excellency Governor Wallace:

Mr. PRESIDENT—

I am requested by his Excellency the Governor to inform the Senate that he did, on this day, approve and sign an act entitled,

An act to repeal an act entitled an act to provide for the election of United States Senator and for other purposes, approved Feb. 3, 1837, which originated in the Senate; and,

On motion, the Senate adjourned.

SATURDAY MORNING, DEC. 9.

Senate assembled.

The following communication was received from his Excellency the Governor:

EXECUTIVE DEPARTMENT, }
Dec. 8, 1837. }

HON. DAVID HILLIS,
President of the Senate:

Douglass Maguire is authorized to make communications from the Department to the Senate.

DAVID WALLACE.

The President laid before the Senate the following Annual Report from the Auditor of Public Accounts:

On motion of Mr. Clark,

Ordered, That 200 copies of the same be printed.

AUDITOR'S OFFICE, }
Indianapolis, Dec. 8, 1837. }

SIR—

Enclosed you have my annual report to the General Assembly.

No. 1, is a report of the receipts and expenditures on account of the State for the current year.

No. 2, a statement in tabular form, of the assessment of the State, for 1837.

Please lay them before the Senate.

I am respectfully, sir, your ob't. serv't.

MORRIS MORRIS, A. P. A.

In obedience to the act entitled "an act concerning the Auditor of
 lowing Report of the Receipts and Expenditures on account of the
 1837, both inclusive.

RECEIPTS.

There has been received at the Treasury
 since the 30th of November 1836, as fol-
 lows, to-wit:

From the Collectors of Revenue for 1836,	\$60,081 88	
" " 1837,	4,355 35	
		\$64,437 23
For sales of Michigan Road Lands,	4,346 17	
" Rent of State Prison,	700 00	
" Sales of Lots in Indianapolis,	800 00	
From Estates without known heirs,	63 50	
" Incidental payments,	511 50	
		6,421 17
" Sales of Seminary Lands,	1,960 92	
" Loans refunded of Seminary fund,	8,815 62	
" Interest on Loans of Seminary fund,	3,802 37	
		14,578 91
" Sales of Saline Lands,	3,363 25	
" Loans refunded of Saline fund,	1,720 00	
" Interest on Saline fund loans,	1,599 30	
		6,682 55
Making the total amount of receipts for the current year,		92,119 86
To this add the amount in which the Treas- ury is deficit, as appears by subtracting the Receipts from the Expenditures of this year,		5,536 25

\$97,656 11

AUDITOR'S OFFICE,
December 5, 1837. }

Public Accounts and Treasurer of State," the Auditor submits the fol-
State of Indiana from 1st December, 1836, to the 31st November,

EXPENDITURES.

On the 30th of November 1836, there was a deficit in the Treasury (provided all claims audited to that date were paid) of		\$4,280 61
Since the above period there has been audited as follows, to-wit:		
For public printing, stationary, distributing laws, &c.	\$ 9,024 56	
For expenditures of last General Assembly,	24,379 24	
	<hr/>	33,403 80
“ Salaries of Executive Officers	2,999 00	
“ “ Prosecuting Attorneys,	1,344 62	
“ “ Supreme and Circuit Judges	9,933 39	
“ “ Probate Judges	3,181 50	
“ “ Adjutant & Qr. Master Gen'ls.	208 33	
“ “ State Geologist	666 78	
	<hr/>	18,333 62
“ Expenses of State House	6,641 51	
“ “ State Library	301 29	
“ “ State Prison	912 12	
“ “ Michigan Road	4,819 19	
“ “ Presidential Election	312 02	
	<hr/>	12,086 13
On Account of Specific Appropriations	5,321 45	
“ “ Wolf Scalps,	412 50	
“ “ School money refunded to co's.	575 09	
“ “ Estates claimed by heirs	28 28	
“ “ Contingent expenses	1,017 52	
	<hr/>	7,354 84
“ “ Loans of Saline Fund	6,140 00	
“ “ Expenses of State College	4,650 19	
“ “ Loans of Seminary Fuuds	10,243 50	
“ “ Expenses of Saline Funds	263 42	
	<hr/>	21,297 11
Making the total amount of expenditures for the current year, provided all claims audited have been paid,		<hr/> <u>\$97,656 11</u>

Returns showing the amount of assessments in the respective counties have been received from all except one. From these it will be seen by reference to the annexed Tabular Statement marked No. 2, that the gross amount of the revenue assessed for this year, is \$149,445 13.

The amount that will probably be realized to the Treasury after all deductions for delinquencies, commission, &c. will not vary far from \$130,000. Of this amount, under the law of last year, setting apart 5 cents on the \$100 valuation of property, there will probably be set apart about \$40,000, to be applied to the liquidation of the interest accruing on our Internal Improvement loans. Leaving to the *ordinary* expenses of the Government about \$90,000.

From the 82,921 polls assessed this year, there will probably be realized about \$36,500. By reference to my report of the 17th of January last, it will be seen that the total amount of taxable property for 1836, is stated at \$78,589,061. The returns for this year, show the amount to be \$98,441,063, giving an increase in the amount of the current year, of \$19,852,002, or about 20 per cent. upon last year's valuation.

This sum being larger than was anticipated by the last General Assembly, might seem to indicate the efficiency of the present mode of assessments. But by comparing the tabular statement of this, with that of last year, it will be seen that the assessments of this year fall far short of the *actual* increase.

Last year the number of acres of taxable lands returned for the State was 5,485,363. This year there are 6,185,714 acres returned.

Last year there were near 300,000 acres of land, exclusive of Canal and Seminary lands, and such of the Sixteenth sections as were sold on a credit and not paid out, which escaped taxation. This year the number is increased to near 600,000 acres, which at \$5 per acre, (an amount less than the average price per acre) amount to \$3,000,000. The tax upon which, for state purposes alone, would be \$4,500. In addition to this, a large amount is annually lost, both to the state and the respective counties, by assessors' neglecting to make a full assessment of the number of polls of the State. It is believed that our mode of assessing may be greatly improved. A system can be devised by which all the real estate may be annually assessed with but little, if any, additional cost.

Respectfully submitted,

MORRIS MORRIS, A. P. A.

Dr. Bowen, the Senator elect from Fountain, produced his credentials, was sworn by the Hon. Judge Wick and took his seat.

The President laid before the Senate the Annual Report of the State Bank of Indiana, and Reports from its several Branches.

On motion of Mr. Brady, said report from State Bank, was referred to the committee on State Bank, and that 500 copies of the same be printed for the use of the Senate.

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A STATEMENT Exhibiting the number of Polls, number of Acres of Land, the Value of Lands and the Value of Town Lots, the value of Corporation Stock, the value of Town Lots, and aggregate value of all Improvements, the value of Corporation Stock, the value of Town Lots, and aggregate value of all other Taxable Property, together with the total amount of Taxable Property and gross amount of Revenue at the rate of fifteen cents on the one hundred dollars, and at the rate of fifty cents on each poll; in the respective counties for the 1837, as appears from the certificates of Assessments filed in the Auditor's Office in pursuance of the law on that subject.

COUNTIES.	No. of Polls.	Acres.	Improvements.	Value of Land and Improve.	Value of Corporation Stock.	Value of Town Lots.	Aggregate value of taxable property.	Total amount of Taxables.	Gross amount of Revenue.	REMARKS.
1 Allen	776	18,097	\$476,617	\$29,172	30	421,819	\$ 212,267	1,143,402	2,003 10	
2 Adams	1,174	894	7,600	1,322		16,539	25,491	25,491	96 74	
3 Bartholomew	1,097	81,897	98	80,600	25	356,448	356,448	1,329,135	2,512 08	
4 Boone	835	26,297	30	131,251		27,147	41,859	41,859	1,793 98	
5 Brown	926	1,410	81,812	42,925		43,977	51,529	51,529	1,900 29	
6 Clark	1,722	202,171	1,723,712	568,202		561,761	2,669,175	2,669,175	5,164 76	
7 Clay	533	18,473	48	13,200		14,920	27	270,317	671 97	
8 Crawford	560	60,524	61	10,570		108,513	278,252	1,029,521	2,199 16	
9 Carroll	1,164	60,524	61	10,570		283,805	297,077	1,029,521	1,670 95	
10 Cass	836	32,572	15	382,156		166,992	889,551	889,551	1,723 73	
11 Clinton	806	98,500	12	685,351	500	291,417	325,185	4,018,509	7,211 76	
12 Dearborn	9,338	206,000	92	2,510,351	215,277	291,417	325,185	1,725,410	3,391 11	
13 Decatur	1,406	67,583	62	1,090,691		397,551	633,927	633,927	1,384 85	
14 Davies	664	27,435	62	109,215		112,280	297,911	297,911	517 86	
15 Davis	352	29,100	1	109,215		192,228	531,295	531,295	1,092 44	
16 Delaware	32	32,772	42	206,279		45,778	14,439	14,439	113 66	
17 De Kalb	18	32,068	50	383,708		199,020	698,588	698,588	1,470 88	
18 Elbert	814	33,143	81	5,250,637	5,530	182,831	688,077	3,132,005	5,431 11	
19 Fayette	1,446	68,911	12	1,072,401	50	581,755	581,755	3,006,291	5,511 83	
20 Floyd	1,469	68,911	12	1,072,401	50	168,558	577,513	2,021,917	4,776 40	
21 Franklin	1,713	118,205	1	1,378,060	9,550	165,005	456,160	2,001,775	3,859 16	
22 Fulton	126	9,761	66,882	77		10,369	32,858	100,009	97 77	
23 Gadsden	1,131	41,662	71,018	86,310		162,414	192,414	1,971,886	2,173 33	
24 Geneva	740	43,715	2,322	201		292,810	301,410	425,014	9,072 52	
25 Greene	455	15,411	1,16,635	39,582		39,582	39,582	508,888	50	
26 Hamilton	455	15,411	1,16,635	39,582		39,582	39,582	508,888	50	
27 Harlow	1,004	30,806	65	382,767		160,757	208,657	2,086,650	1,409 53	
28 Henderson	1,471	90,588	65	955,834	275	73,786	314,598	1,371,187	2,792 28	
29 Hendricks	1,470	90,588	65	955,834	275	80,987	372,185	1,360,681	2,784 01	
30 Henry	1,874	146,707	1,583,302	1,583,302	2,100	110,711	429,612	1,337,725	4,137 58	
31 Hancock	930	49,616	418,187	56,981		56,981	151,873	627,011	1,400 56	
32 Hamilton	930	49,616	418,187	56,981		56,981	151,873	627,011	1,400 56	
33 Jackson	930	49,616	418,187	56,981		56,981	151,873	627,011	1,400 56	
34 Jefferson	2,025	153,063	3,067,825	294,000		745,124	19	3,298,630	1,620 32	
35 Jennings	860	55,813	4,057,7	43,396		298,657	298,657	810,838	1,706 45	
36 Johnson	1,194	92,352	67	809,085		35,396	35,396	1,308,920	2,140 29	
37 Jay	213	213	1,010			17,306	17,306	2,018,560	3,731 16	
38 Knox	1,313	157,143	1,022,166	68,540		461,712	461,712	1,630,122	4,116 68	
39 Kosciusko	437	3,008	31,681	11,125		45,143	45,143	1,630,122	3,190 12	
40 Lawrence	1,460	138,538	6,437	90		100,980	100,980	2,047,018	3,816 07	
41 Lagrange	252	1,865	6,437	90		45,143	45,143	1,630,122	3,190 12	
42 Lake	1,261	71,699	67	1,125,737	2,073	261,410	261,410	1,630,122	3,816 07	
43 LaPorte	936	8,729	31	77,737	88	45,308	45,308	1,630,122	3,190 12	
44 Madison	1,123	40,982	12	1,078,499		178,558	178,558	608,550	1,307 20	
45 Marion	2,503	89,063	12	1,078,499		573,084	573,084	3,621,156	6,533 23	
46 Martin	3,437	60,007	1	1,078,499		91,085	91,085	1,71,000	4,622 50	
47 Monroe	1,200	69,000	1	1,078,499		351,523	351,523	1,011,552	2,162 33	
48 Montgomery	2,503	89,063	12	1,078,499		319,267	319,267	1,910,975	5,607 96	
49 Morgan	1,200	69,000	1	1,078,499		710,827	710,827	1,191,570	5,418 66	
50 Miami	1,200	69,000	1	1,078,499		51,921	51,921	584,149	9,413 33	
51 Marshall	173	12,011	21	98,979		30,978	30,978	153,012	320 36	
52 Meigs	916	66,951	568,506	5,5115		306,776	306,776	50,806	199 21	
53 Monroe	1,152	52,976	36	5,5115		290,798	290,798	1,020,757	2,107 18	
54 Owen	634	15,172	55	1,329,150	1,500	81,091	81,091	609,998	1,330 93	
55 Park	1,563	30,132	43	295,482	435	18,383	18,383	1,503,515	3,621 81	
56 Perry	563	29,782	63	764,105	1,030	30,300	30,300	501,557	1,013 81	
57 Pike	1,159	69,251	18	764,105	1,030	188,927	188,927	3,853,001	5,607 96	
58 Posey	1,159	69,251	18	764,105	1,030	188,927	188,927	3,853,001	5,607 96	
59 Putnam	1,266	151,186	1	764,105	1,030	188,927	188,927	3,853,001	5,607 96	
60 Randolph	321	9,610	70	764,105	1,030	188,927	188,927	3,853,001	5,607 96	
61 Ransom	1,190	72,717	80	764,105	1,030	188,927	188,927	3,853,001	5,607 96	
62 Ripley	1,928	88,133	581,367	2,369		32,681	32,681	1,530,490	3,223 29	
63 Rush	2,074	215,303	130,115	2,369		66,416	66,416	1,530,490	3,223 29	
64 Scott	316	33,004	130,115	2,369		66,416	66,416	1,530,490	3,223 29	
65 Shelby	1,639	139,537	73	1,413,730		18,553	18,553	1,530,490	3,223 29	
66 Spencer	63	68,852	50	1,413,730		18,553	18,553	1,530,490	3,223 29	
67 Switzerland	1,254	107,582	50	1,413,730		18,553	18,553	1,530,490	3,223 29	
68 St. Joseph	1,254	107,582	50	1,413,730		18,553	18,553	1,530,490	3,223 29	
69 Sullivan	316	33,004	130,115	2,369		66,416	66,416	1,530,490	3,223 29	
70 Tipton	316	33,004	130,115	2,369		66,416	66,416	1,530,490	3,223 29	
71 Tipton	316	33,004	130,115	2,369		66,416	66,416	1,530,490	3,223 29	
72 Union	1,011	100,250	15	1,515,356	1,400	47,418	47,418	1,920,588	3,401 36	
73 Vermilion	612	36,856	666,743	1,400		632,900	632,900	1,920,588	3,401 36	
74 Vermilion	1,172	76,670	581,977	1,400		632,900	632,900	1,920,588	3,401 36	
75 Vigo	1,432	106,121	1,058,165	21,721	50	614,173	614,173	2,383,391	4,872 51	
76 Washington	675	28,030	1,370,207	3,037	50	21,972	21,972	1,370,207	4,872 51	
77 Warren	1,430	182,563	1,370,207	3,037	50	21,972	21,972	1,370,207	4,872 51	
78 Wayne	2,974	82,310	3,200,113	1,741		51,719	51,719	1,188,721	6,067 15	
79 Warren	636	82,310	3,200,113	1,741		51,719	51,719	1,188,721	6,067 15	
80 White	576	15,983	68	81,262		72,601	72,601	1,528,565	2,526 79	
81 Wabash	528	19,257	13	79,511	11,061	46,173	46,173	1,528,565	2,526 79	
82 Wells	93	1,106	78	4,789		5810	5810	18,060	66 90	
63,921 61,585,714 12,601,003,135 11,608,728 40,818,113 57 21,724 16 36,088 111,003 15 119,115 13										

Not Complete.

Supposed No Return



On motion of Mr. Vawter, said reports from the several Branches of the State Bank of Indiana, were referred to the committee on State Bank, and that 500 copies of the same be printed.

Hon. DAVID HILLIS,

Herewith are Tabular Statements and Reports of the State Bank and Sinking Fund Commissioners, to be laid before the Senate.

I have the honor to be, &c.,

S. MERRILL.

TO THE GENERAL ASSEMBLY—

At their February session, the Directors of the State Bank gave their assent to the amendments, which the last Legislature proposed to the Charter, and recommended them to the immediate attention of the branches. Eight of the branches also gave their assent, but the other three have deferred doing so. The amendments, therefore, have not taken effect.

The inexpediency of creating new branches, under the circumstances, that have since occurred, is so apparent, that few are disposed to object to the delay. But when the present difficulties are removed, when specie payments shall be resumed, confidence restored, and business return to its proper channels, that part of the state which has not yet obtained its share of bank facilities, may and should receive them. It was the unanimous expression of the Directors at their late meeting, that at the earliest period, circumstances shall justify, there ought to be three more branches organized in the northern portion of the state.

No act of the State Board has ever impressed them with a deeper sense of responsibility, than that, by which they advised the branches to suspend specie payments. They were in session on the 18th May last, when information reached them, that nearly all the banks in the United States had closed their vaults. The balances due this institution from other banks and their paper then on hand amounted to \$1,102,858 56. This sum would have been totally unavailable, while specie payments were continued, and the bank must either have followed the example of others, or permitted the brokers and banks of other states, the first informed and most active in these matters, to drain it of its specie, leaving the claims of the citizens of the state and the large deposits of the General Government unpaid, until collections of the notes and bills discounted could be made in specie funds, and until other banks could be compelled to pay what the public appeared to sustain them in refusing. If the collection of the \$5,311,304 97 then due the bank, for loans and for notes and balances on other banks, had all been pressed at once, much of it must have been sacrificed, many of our best

citizens ruined, and the industry and enterprise of the state, must have been paralyzed for years. The stock subscribed by the state and individuals, might have been returned to them but little impaired, but this would have poorly compensated for needless injury to numbers of others. A sudden reduction of the circulating medium of the state from about four millions of dollars, to less than one-fourth that amount, must have occasioned the depreciation of the value of property in about the same proportion. The sixteen millions of dollars estimated to have been due, at that time by the citizens of the state to the Bank, to the different loan offices, to foreigners and to each other, would have been collected or *attempted to be*, in a medium made, four times more valuable than that, in which it was contracted.

The course, which the State Board advised, not without hesitation and reluctance, and which was adopted by the branches, has since the suspension, paid off \$761,920 13, of the debt to the Government \$288,085, of the notes in circulation, and \$106,994 69, of the individual deposits, while the amount of specie has decreased only \$58,162 87, all of which has been applied to paying off the debt to the U. States, and to supply change. Few new debts have been contracted, the old debts have diminished more than a fourth in amount; the paper of the bank is generally taken at par; in reducing its discounts only one doubtful debt of \$400, has been discovered, but one person, and he not now a resident of the state, has sued on its paper, and no doubt can exist in the mind of any intelligent citizen, but that specie payments can and will be resumed, whenever *well advised* public opinion shall demand it.

To this desirable result, the efforts of all the solvent banks in the United States, are believed to be earnestly directed. They are diminishing their discounts and circulation as rapidly as the public good will permit, and in general, much more so than has been here attempted. They have sent delegates to a Convention, assembled to determine upon concert of action, and fix the time for resuming specie payments. This bank has a Representative there, instructed to vote for the earliest day that may be proposed.

But in hastening the return of a sound currency, the State Board have not felt at liberty to neglect other important interests. At their late session they authorized an increase of discounts until the first of June next, by which the branches may extend them about \$300,000, for the express and sole purpose of aiding the exporters of produce. A previous gradual reduction had put it in the power of several of the branches to afford some facilities for making shipments, and all of them will now enlarge their discounts for a time, to be reduced again by the avails of the produce exported.

The interests of the public and the bank in this particular, are so important, that the operations of future years must be much like those of the present season. As much more capital is required from November to May than during the rest of the year, the bank must, of necessity, reduce its discounts largely, in summer, to be prepared to increase them again, when they can be used with most advantage, to

community. It would appear therefore, that the reduction, which the bank for its own security was forced to make, when specie payments were suspended, has been required not less by good policy to enable it to prepare for the present enlargement. It will willingly, if necessary, make sacrifices in other quarters, to sustain itself while thus aiding the business of the country.

Though the bank, at its establishment, was by many considered a doubtful experiment, and the subscription of the stock in most of the branches obtained with difficulty, yet its business has hitherto been successful almost beyond precedent. For this the Directors of the branches are entitled to much of the credit. They have made no bad loans; they have profitted by exchanges of paper from every part of the Union, by the collection of foreign debts, the United States deposits, and the expenditures on the public works, and the circulation of the paper has had no limits but those fixed by the charter. The following abstract of the annexed table shows the condition of the Bank on the 18th Nov. 1837, so far as regards claims against it, viz:

<i>Resources.</i>		<i>Liabilities.</i>	
Bills discounted	\$2,944,765 78	Notes in circulation	\$2,226,695 00
Bills of exchange	406,207 51	Treasury U. S.	576,277 75
Banking houses	95,569 98	Due other banks	101,179 19
Furniture	5,427 96	Sinking Fund	15,060 29
Due from other B'ks	460,520 51	Unclaimed dividends	4,598 63
Due from F'd Com'rs	307,181 49	School Fund	4,200
Remittances, &c.	39,316 08	Pension Fund	5,817 75
Branch balances	31,458 87	Deposites	336,144 45
Notes of other Banks	140,084		
Specie	1,128,031 56		
	<u>\$5,558,563 74</u>		<u>\$3,269,973 06</u>

Leaving a balance of \$2,288,590 68—which will pay \$90,050, the Nov. dividend—\$2,200 the tax for the School Fund—\$1,867,906 25, the amount paid for stock—\$20,283 75, the interest on public deposits, and leave a surplus if there be no losses, of \$308,150 68, to be divided as profits hereafter.

The stock of the State in the Bank has been paid over as follows:

In Nov. 1834,	-	-	-	\$500,000
In " 1835,	-	-	-	200,000
In " 1836,	-	-	-	165,000
In " 1837,	-	-	-	15,000
				<u>\$880,000</u>

On \$865,000 of this sum, the state derived a clear profit the last year of \$29,250, over the interest of the loan by which that stock was paid. The May dividend would have been larger but for the uncertain prospects when specie payments were suspended. The surplus fund now on hand will enable the branches to extend their dis-

counts farther than they could otherwise do, and will secure dividends even when considerable losses occur.

It cannot reasonably be expected that the profits of the Bank for some years to come, will equal those that have hitherto been realized. The circulation and discounts must be less in proportion to the capital than heretofore, seasons of depression will not fail to come, for banks can no more expect perfect uniformity and regularity in their business, than farmers can hope never to suffer from drought or dearth, frost or inundation. But no state of things is likely to occur, in which a clear profit of five per cent. a year, after paying the interest of the loan in New York, may not be made to the state on its stock in the Bank. At this rate the profit in future will be \$44,000 a year, which if loaned out at eight per cent. clear of expenses, will, in less than thirteen years, with proper management, pay back the loan by which the stock was purchased.

The third instalment in the Fort Wayne Branch has been charged to the Sinking Fund, no loan having yet been made by the state to meet the payment. An increase of Individual stock has been made at the Lafayette Branch of \$20,000. Several other Branches had also contemplated the increase of their capital, but finding that their stock was not in demand they have postponed it for the present.

The charter now authorizes the capital of the Bank to be enlarged as occasion shall require, to \$3,000,000, and it will, no doubt, be raised to this amount within a short time after the present difficulties are removed.

The success of the Bank hitherto, arising from the prosperous state of affairs generally, and not always requiring effort on the part of its officers, may have had a tendency to permit its loans to be used too often as permanent capital, and not in doing the business of the country. This application of bank means is highly objectionable on many accounts. Loans will be made, not as independent transactions, but as matters of favor. Banks will be created, not to *lend* but to *borrow* money, and not in reference to the amount of business, but the *number* and *clamor* of borrowers. The stockholders will be more interested in the *loans* than the *dividends*, in distributing the capital than in securing the profits.

Money loaned for business, will find limits in the extent of that business. Employers, manufacturers, and exporters, who borrow and expect to pay, when the transaction for which the loan was made is completed, will seldom ask for more than they can use with advantage to themselves and community. If the country be prosperous, and public credit and confidence be general, the business of the bank and country will expand to suit each other, while under circumstances like the present, the sphere of action for both will be kept within narrow bounds.

But there are no other limits, besides those of avarice and ambition, to the desires of borrowers of capital for permanent use. When times are good they will not pay, and they *cannot* when they are otherwise. As directors and stockholders there can be little security for

their safe management, or that they will obtain public favor by effecting public good.

Such is not the condition of a large majority of the Branches. Those who choose, can at any time buy stock in the most of them. In general the stockholders and directors are not improperly favored. The loans made for business transactions are felt as a benefit to the whole community, and the institution is considered an honor and credit to the character of the State.

To insure a uniform and correct course, by the branches, of applying the loans to the business of the country, the State Board is taking decisive steps, and discounts will be limited in proportion where suitable payments upon them do not provide funds to keep up an active and healthy circulation of the paper.

Much of the business of banks is necessarily of a character, which the Directors will neither have leisure nor disposition to explain to every curious inquirer. It is not in their power to accommodate, many, who come with fair claims and good security; and they are often beset by others who are clamorous just in proportion to their want of merit. That many should be dissatisfied with their decisions, and having only partial views of their motives should mistake them, is, perhaps, unavoidable. For the allowances usually made to the imperfections of their nature, those who manage banks may lay claim. But they neither ask nor expect any thing further. They constitute a portion of a community that is regulated by public opinion, and to that they will submit without a murmur.

The semi-annual examinations of the branches required by the charter have been regularly made. Wherever improper proceedings have occurred, they have been disapproved by the parent Board. But in general, much has been found to approve and little to condemn.

The Bank, as yet, has commenced but few suits, and it is understood that no sales on executions have ever been made on its account.

For months past, there have been loud complaints of *pressure, scarcity of money, and the difficulties of the times*. Many of the products of the country have fallen considerably in value, while the prices of some articles are still high in proportion to others. But these matters soon regulate themselves, though when a change is unavoidable, if it be made early and amicably there need be no interruption in the progress of business, especially in a country like this. Those who accommodate themselves to the *times* will not find them so *bad* but they can make *good* out of them. The labor and rents of a country should be paid according to the prices of its produce. If the former be too high, employment cannot be furnished, if too low, labor will not be supplied. When these bear a due proportion to each other, the farmer is encouraged to enterprize, and the laborer stimulated to exertion.

There would then appear to be no cause of serious alarm, in the present state of things. Every prudent man has foreseen its approach, and while the future was uncertain, his fears may have predominated. But now the worst is known, and there is no cause for despair, unless rashness and folly create new and unnecessary difficulties.

The progress of the State in wealth and improvement need not be long retarded. Those now in the *lead* may falter, but others will soon take their place. No failures of consequence have occurred among the business men. The suits for debt in the courts are not more numerous than usual. Sheriff's sales seldom occur. All the produce of the country is demanded for consumption. Visionary schemes are understood and duly appreciated. Emigration to the State is increasing. Canals and rail roads will soon be completed. Confidence will be restored, and exchanges be again at fair rates, and if produce do not command high prices, its cost of transportation will be less, and the wants of the citizens will be supplied from abroad at reduced rates.

Accompanying are tables showing the condition of the State Bank and Branches, and the names and compensation of the officers.

Respectfully submitted on behalf of the Board.

S. MERRILL, Pres't.

Bills Disc
Bills of Ex

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Banking F
Furniture

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Branch
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Due from o
Improvement
Remittances

See table
following p 372.

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S. MERRILL, Pres't.

JEFFERSONVILLE AND CRAWFORDSVILLE RAIL ROAD.

Second Division from Providence to Salem.

EXCAVATIONS.			EMBANKMENTS.			DRAINAGE AND CLEARING in stations of 400 feet.			MASSORY in perches of 25 feet.			WOODEN BRIDGES in linear feet.			TOTAL COST.
Sections of 1 mile.	Cubic yards.	Amount.	Sections of 1 mile.	Cubic yards.	Amount.	No. of Stations.	Price.	Amount.	No. of perches.	Price.	Amount.	Feet in length.	Price.	Amount.	
1 1,855	222 60	3,654	13	502 32	3.25	40	1.80	28 3.50	98 00	1.5 50	75	15 50	6.97	1,045 50	
2 1,855	2,586 87	21,933	13	2,651 59	4.5	147	3.50	147 3.50	514 50	5000 8	16,000	28,110 10	6,892 66	6,892 66	
3 1,855	4,801 50	43,463	18	8,723 34	6.5	410	3.50	1,435 50				8,991 10	10,639 12	10,639 12	
4 1,855	1,372 92	33,708	15	5,056 29	6	360	3.50	594 5.00	1,470 00	100 75	2,300	4,909 42	4,909 42	4,909 42	
5 1,855	921 18	23,005	15	3,450 30	7.5	300	3.50	84 4.50	378 00	150 75	13,012 75	13,012 75	13,012 75	13,012 75	
6 1,855	1,012 56	33,488	15	5,023 20	4.5	197	4.00	30 4.00	1,230 00	150 75	7,591 76	7,591 76	7,591 76	7,591 76	
7 1,855	15,628	13	1,273 72	2.25	300	3.50	84 4.00	190 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	
8 1,855	19,969 00	13,444	13	4,706 00	1	40	4.50	429 4.00	336 00	800 8	6,400	10,489 87	10,489 87	10,489 87	
9 1,855	5,514 86	50,000	15	3,000 00	4	160	3.50	138 1.50	1,716 00			10,489 87	10,489 87	10,489 87	
10 1,855	1,535 53	43,402	15	7,254 32	3	160	3.50	138 1.50	1,716 00			10,489 87	10,489 87	10,489 87	
11 1,855	1,560 60	51,003	18	3,271 62	4	160	3.50	120 4.50	504 50			10,489 87	10,489 87	10,489 87	
12 1,855	2,232 40	13,265	15	1,569 75	3	150	3.50	467 4.00	1,686 00	100 75	2,300	7,854 72	7,854 72	7,854 72	
13 1,855	2,913 30	8,373 15	1,331 25	1.5	60	3.50	92 3.50	332 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	1,000 00	
14 1,855	1,617 30	7,092 15	1,063 50	4	160	3.50	17 3.50	59 50	30 5	150	6,451 15	6,451 15	6,451 15	6,451 15	
15 1,855	1,901 80	6,550	13	851 50	1.5	570	4.50	570 4.50	1,215 00			1,972 80	1,972 80	1,972 80	
16 1,855	1,901 80	6,550	13	851 50	1.5	570	4.50	570 4.50	1,215 00	75 55	1,875	6,546 64	6,546 64	6,546 64	
Average \$9,301 39 per mile.															\$16,537 95

JEFFERSONVILLE AND CRAWFORDSVILLE RAIL ROAD.

Third Division from Salem to Bedford.

From bridge.		Sections of 1 mile.		Excavation.		Embankment.		Gridding and Clearing.		Massory.		Wooden Bridges.		Total Cost.	
No. of yds.	Price.	No. of Stations.	Price.	No. of yds.	Price.	No. of Stations.	Price.	No. of Stations.	Price.	No. of yds.	Price.	No. of yds.	Price.		
1	3,267.19	12	3,309.88	16,970	13	2,115.10	38	228.00	759	3.50	318.50	30	5.00	\$8,644.48	
19	10,814	12	2,972.10	32,797	13	1,491.65	4.5	171.00	83.50	3.50	3,866.00	30	5.00	11,305.65	
20	3	16,952	14	2,373.92	6,867	15	1,630.05	4.5	197.00	83.50	2,972.50	30	5.00	3,871.83	
21	8	4,846	12	1,014.72	17,660	16	2,823.00	5.2	197.00	194	4.00	776.00		4,812.32	
22	4	1,814	12	2,695.43	23,958	13	3,391.72	4.5	171.00	83.50	4,250.00	30	5.00	5,269.65	
23	6	20,213	13	2,695.43	23,958	13	3,391.72	4.5	171.00	83.50	4,250.00	30	5.00	5,269.65	
24	2	5,726	12	6,890.52	4,431	13	957.03	2.25	159.50	35	4.75	166.25		1,611.13	
25	2	4,673	12	5,600.76	6,081	11	851.34	1.25	47.50	32	5.00	160.00		1,610.60	
26	8	3,159	12	379.08	4,082	14	971.48	8	304.00	14	5.00	70.00		1,384.96	
27	8	2,612	12	313.01	2,069	13	971.48	8	304.00	29	5.00	115.00		1,880.01	
28	1	4,010	12	481.60	3,326	13	433.94	4.5	171.00	50	1.00	1,100.00		1,322.97	
29	1	4,010	12	481.60	3,326	13	433.94	4.5	171.00	50	1.00	1,100.00		1,322.97	
30	1	8,297	12	904.41	6,897	13	831.61	8	304.00	50	5.00	250.00		1,966.38	
31	1	7,298	12	872.16	5,104	13	675.22	8	304.00	50	5.00	133.00		1,498.08	
32	1	4,983	12	591.66	3,724	13	451.12	7.5	322.00	16	5.00	60.00		1,707.56	
33	1	6,867	12	6,600.54	5,491	13	114.22	7.5	322.00	34	5.25	178.50		3,578.52	
34	17	13,877	15	2,690.51	13,877	15	1,776.85	10.5	569.00	20	5.00	525.00		4,704.55	
35	18	6,205	12	714.60	13,170	15	1,976.85	10.5	301.00	20	5.00	110.00		2,465.72	
36	18	7,861	12	1,003.68	8,006	13	1,156.04	8	301.00	60	5.00	150.00		2,614.54	
37	20	7,814	12	941.58	8,366	13	1,171.66	13.2	501.00	60	5.00	150.00		2,614.54	
38	20	14,026	15	2,238.00	2,830	13	2,868.97	10	1,432.50	17	5.50	93.50		3,391.47	
39	20	14,026	15	2,238.00	2,830	13	2,868.97	10	1,432.50	17	5.50	93.50		3,391.47	
40	20	23,729	13	3,041.50	10,153	13	1,569.50	3.75	114.00	14	5.00	132.00		3,594.25	
41	20	23,729	13	3,041.50	10,153	13	1,569.50	3.75	114.00	14	5.00	132.00		3,594.25	
42	24	5,187	12	616.41	5,006	13	657.28	3.50	218.50	11	5.00	70.00		1,103.10	
43	24	4,097	12	573.54	1,854	13	241.02	5.75	161.50	34	4.75	111.00		1,862.32	
44	26	8,304	15	1,330.60	1,497	13	256.62	4.25	161.50	34	4.75	111.00		1,862.32	
45	26	8,304	15	1,330.60	1,497	13	256.62	4.25	161.50	34	4.75	111.00		1,862.32	
46	26	8,304	15	1,330.60	1,497	13	256.62	4.25	161.50	34	4.75	111.00		1,862.32	
47	26	8,304	15	1,330.60	1,497	13	256.62	4.25	161.50	34	4.75	111.00		1,862.32	
48	30	6,696	12	7,583.29	15,690	15	4,729.20	9	324.00	68	3.50	238.00		12,892.72	
49	30	6,696	12	7,583.29	15,690	15	4,729.20	9	324.00	68	3.50	238.00		12,892.72	
50	30	6,696	12	7,583.29	15,690	15	4,729.20	9	324.00	68	3.50	238.00		12,892.72	
51	30	6,696	12	7,583.29	15,690	15	4,729.20	9	324.00	68	3.50	238.00		12,892.72	
52	30	6,696	12	7,583.29	15,690	15	4,729.20	9	324.00	68	3.50	238.00		12,892.72	
53	35	31,007	13	4,042.61	28,455	14	3,979.60	9.5	301.00	27	3.50	91.50		11,506.36	
54	35	31,007	13	4,042.61	28,455	14	3,979.60	9.5	301.00	27	3.50	91.50		11,506.36	
55	35	51,735	16	8,280.50	10,736	15	1,613.40							\$20,749.50	
\$724,573.949															\$14,553.72
\$7,881.20															\$12,629.50
\$20,749.50															\$20,749.50

JEFFERSONVILLE AND CRAWFORDSVILLE RAIL ROAD.

Fourth Division from Bedford to Bloomington.

Section of 1 mile.	Excavations.		Embankments.		Grubbing and Clearing in Stations of 100 feet.		Masonry.		Wooden Bridges in Lumber Feet.		Total cost.
	No. of Yds.	Price.	No. of Yds.	Price.	No. of Stations.	Price.	No. of Per.	Price.	No. of ft.	Price.	
1	211,850	43,770 00	711	100 65	1,75	38	66 50	3 50	112 00	\$13,925 15	
2	30,631	3,530 96	40,415	6,004 65	4,25		138	3 50	485 00	12,579 21	
3	13,511	1,618 30	58,131	8,639 65	5,75		112 50	3 50	405 00	10,500 00	
4	20,003	4,400 66	17,250	2,707 81	5,00		1890	3 50	1,331 00	5,625 62	
5	13,330	2,123 80	29,397	4,335 95	7,25		76 00	3 50	131 00	4,000 00	
6	27,682	3,268 66	19,980	2,972 18	8,00		170 00	3 50	591 00	1,900 75	
7	6,978	3,326 36	19,969	4,335 95	1,5		201 00	3 50	281 00	7,172 10	
8	6,978	3,326 36	4,966	1,560 58	11		372 50	3 50	418 50	2,905 94	
9	14,041	1,430 48	10,364	2,516 82	5,75		370 50	1 00	368 00	4,955 78	
10	11,035	1,430 48	10,364	1,865 61	11,00		390 00	1 00	411 00	3,189 52	
11	7,089	521 57	13,265	3,230 98	11,00		418 50	3 50	175 00	3,380 21	
12	120,330	6,505 12	76,614	9,068 72	10,25		389 50		658	15,299 00	
13	30,676	7,719 01	28,612	4,577 92	2,50		45 00	1 50	2,961 00	16,876 36	
14	23,435	2,500 00	18,472	1,427 50	2,50		112	3 50	197 00	10,536 51	
15	19,932	31,312	10,364	12,472 50	3,00		386 00	2 25	5,520 00	18,567 30	
16	17,178	19,932	4,733	1,425 50	6,00		15 00	3 50	6,520 00	16,876 36	
17	51,725	20,620 40	28,513	11,005 20	6,00		225 00	5 00	1,180 00	32,918 30	
18	29,926	8,890 40	12,753	11,005 20	6,00		586	5 00	1,330 00	29,926 80	
19	27,030	8,298 40	15,749	5,160 61	3,25		111 00	5 00	1,330 00	29,926 80	
20	22,965	3,618 88	18,279	7,587 81	5,00		160 50	5 00	1,330 00	29,926 80	
21	22,965	3,618 88	18,279	6,632 38	3,75		112 50	11 12	3 50	3,392 00	
22	36,063	5,187 34	83,657	4,711 98	3,00		85 50	1 50	1 50	1,531 00	
23	36,063	5,187 34	83,657	4,711 98	3,25		112 50	3 50	3,392 00	10,005 21	
24	6,241	1,580 56	36,072	7,310 36	6,75		133 00	3 50	297 00	10,005 21	
25	46,002	7,191	36,072	4,873 85	6,75		133 00	3 50	297 00	11,275 50	
26	19,909	2,290 52	10,912	5,291 10	1,25		127 50	3 50	205 00	34,988 54	
27	19,909	1,011 52	10,912	5,291 10	1,25		127 50	3 50	205 00	6,911 88	
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CONDITIOD of the State Bank of Indiana, on November 18, 1837.

65

Bills Discounted	\$2,889,116 60	Capital stock p'd in by the State \$865,000 00	
Bills of Exchange	374,955 63	by Individuals 1,002,906 25	
	3,264,072 23		1,867,906 25
Susp'd debt on personal security	41,157 68	Discount	
" " on Bills	31,251 38	Exchange	15,968 48
" " on B'nds & Mortg's	14,491 50	Profit and Loss	
	86,901 06	Treasurer of the United States	576,277 75
Banking Houses	95,569 98	U. S. Pension Agent in Indiana	5,817 75
Furniture	5,427 96	School Fund	4,200 00
	100,997 94	Surplus Fund	249,958 47
Due from other Branches:		Unclaimed Dividend	4,598 63
Branch at Indianapolis	23,300 96	Due to other Branches:	
" at Lawrenceburgh	58,830 41	Branch at Indianapolis	1,056 78
" at Richmond	3,128 49	" at Lawrenceburgh	2,300 15
" at Madison	55,878 08	" at Richmond	14,125 52
" at New Albany	173,861 87	" at Madison	28,780 88
" at Evansville	793 80	" at New Albany	9,139 78
" at Vincennes	8,994 00	" at Evansville	54,366 16
" at Bedford	20,905 58	" at Vincennes	68,813 07
" at Terre-Haute	8,318 39	" at Bedford	36,346 82
" at Lafayette	253 90	" at Terre-Haute	67,026 98
" at Fort Wayne	1,834 75	" at Lafayette	21,607 41
	361,105 25	" at Fort Wayne	26,082 83
Due from other Banks	460,520 51	Due to other banks	
Improvement and Canal F. Com'rs	307,181 49		329,646 38
Remittances and other cash items	39,316 08		101,179 19

Notes of other branches of the B'k
held by each branch, \$76,432

Notes of Banks of other states

Specie:

Gold

Silver

165,804 59

962,226 97

1,128,031 56

161,573 70

" on special deposit by Rec. U. S.

John Spencer, Receiver U. S. at

F't Wayne on special deposit

Sinking Fund, &c.

Profit and Loss to 31st Oct. 1837

(Subject to subsequent appropri-

ation to State and other Stock-

holders, to Surplus & School F.

as declared on Nov. 28, 1837)

Notes in circulation

Among the Branches

Individual Deposites

161,573 70

15,060 29

154,757 48

2,303,127 00

76,432 00

2,226,695 00

336,144 45

\$6,049,783 82

\$6,049,783 82

EVANSVILLE BRANCH OF THE STATE BANK OF INDIANA, }
November 18th, 1837. }

The Board of Directors of this Branch of the State Bank of Indiana now beg leave to report to the Senate of Indiana, upon the various points required by the 65th section of the Charter of said Bank, as the same were found upon this the 3d Saturday of November, 1837, at 2 o'clock in the afternoon: viz:

1st. The following is a statement of the available funds on hand:

Silver	-	-	-	-	-	\$85,462 89
Gold	-	-	-	-	-	7,674 89
Paper of other Branches of the State Bank of Indiana						12,060
Paper of other State Banks	-	-	-	-	-	1,310
						<u>\$106,507 78</u>

2nd. Amount of Notes discounted	-	-	\$224,305 03
3d Amount of Bills of Exchange	-	-	50,668 89
Suspended debt on Bills	-	-	5,000 00

Total amount of accommodations \$279,973 92

4th. Amount of credit of Surplus Fund	-	-	\$12,505 36
5th. Amount of Notes in circulation	-	-	<u>\$153,150</u>

6th. The officers of this Branch are as follows:

John Mitchell, President, no salary.

John Douglass, Cashier, \$1,200 per annum.

Alexander Donald, Clerk, \$500 per annum.

7th. Rent paid for the present Banking office is \$150 per annum.

8th. This Branch paid for a Lot for the purpose of building upon it a Banking House \$1,000

And there is now piled upon it 250,000 brick, which have cost - - - - - 1,559 24

Cost of vault in present office - - - - - 542 18

\$3,101 42

9th. This Branch owns no other real estate, unless it be in its share in the proposed State Bank House, for which it has advanced \$227 27.

10th. The debts due by this Branch to other Banks are:

To New Albany Branch	-	-	\$1,440 81
Terre-Haute " (nothing.)	-	-	
Fort Wayne "	-	-	41 50
Bank of Louisville	-	-	868 10
Louisville Savings Institution	-	-	99 78
Commercial Bank of Cincinnati	-	-	1,017 74
Merchants' Bank of New York	-	-	1,263 71
Phenix Bank New York	-	-	10,259 83
Merchants' and Mechanics' Bank Wheeling	-	-	1,303 82
			<u>\$16,295 29</u>

The debts due by other Banks to this Branch, are:

By Indianapolis Branch	-	-	-	\$75 97
Richmond Branch	-	-	-	55 13
Madison Branch	-	-	-	62 76
Vincennes Branch	-	-	-	383 28
Lafayette Branch	-	-	-	160 00
Agricultural Bank of Mississippi	-	-	-	2,000 00
New Orleans Canal & Banking Co.	-	-	-	14,746 43
Ohio Life Insurance & Trust Co.	-	-	-	2,340 37
Canal Fund Commissioners	-	-	-	18,055 00
Terre-Haute Branch	-	-	-	56 66

\$37,935 60

The amount standing against the Canal Fund Commissioners is included among the debts of other banks, as an offset against the amount at the credit of the Phenix Bank, New York, which latter arises from drafts drawn on that bank predicated on the payments to be made by the commissioners, in New York, to reimburse this branch for its Canal disbursements.

It may also be proper to state here, that this Branch is indebted to the New Albany Branch \$52,883 85, on account of the public deposits.

In order to exhibit a more full and comprehensive view of the state of this Branch, a copy of the Cashier's weekly report, for the week ending with this day, is herewith transmitted.

All which is respectfully submitted, by order of the Board of Directors.

JOHN MITCHELL, Pres't.

JOHN DOUGLASS, Cashier.

Condition of the Branch at Evansville of the State Bank of Indiana, on 18th November, 1837.

Bills discounted	-	\$224,305 03	Capital stock paid in by individual stockholders	\$80,000
Bills of Exchange	-	50,668 89	Capital stock paid in by State	80,000
Suspended debt on Bills	-	5,000		160,000
		<u>279,973 92</u>	Discount	1,364 80
Banking House Lot	-	1,000	Exchange	877 66
Brick	-	1,559 24	Profit and Loss	-
Other real Estate—State Bank House	-	227 27	U. S. Pension Agent in Indiana	530 01
Furniture	-	333 21	Sinking Fund	9 81
Vault	-	542 18	School Fund	400
			Surplus Fund	12,505 36
Current expenses	-	3,661 90	Unclaimed dividend	650 04
Due from other Branches:		5 38		14,095 22
Branch at Indianapolis			Due to other Branches:	
at Richmond	-	75 97	Branch at New Albany	1,440 81
at Madison	-	55 13	at Fort Wayne	41 50
at Vincennes	-	62 76		1,482 31
at Terre-Haute	-	383 28		
at Lafayette	-	56 66		
	-	160	Due to other Banks:	
		<u>793 80</u>	Bank of Louisville	868 10
Due from other Banks:			Louisville Savings Institution	99 78
Agricultural Bank of Mississippi	2,000		Commercial Bank of Cincinnati	1,017 74
N. Orleans Canal & Banking Co.	14,746 43		Merchants Bank New York	1,263 71
Ohio Life Insurance & Trust Co.	2,340 37		Phoenix Bank do	10,259 83
Canal Fund Commissioners	18,055		Mechanics' & Merchants' Bank, Wheeling	1,303 82
		<u>37,141 80</u>		14,812 98

STATE BANK OF INDIANA,
Branch at Terre-Haute, Nov. 18, 1837. }

*To the Honorable the President,
of the Senate of Indiana:*

SIR—

We beg leave to hand you herewith the Annual Report of the condition of this Branch, on the evening of this day as required by the 65th section of the charter of the State Bank of Indiana, and also for your more particular information, a copy of our weekly report, all of which is respectfully submitted.

1st. The amount of available funds on hand is as follows: \$148,892 86

In notes of the branches of this Bank other than our own	5,440 00
“ “ United States Bank	870 00
“ “ other Banks	24,375 00
In Gold	51,016 66
In Silver	67,191 20

2nd. The amount of Notes discounted is - \$183,265 36

3d. The amount of Bills of Exchange is \$50,604 50

4th. The amount of the Surplus Fund is -

5th. The amount of Notes in circulation is - \$226,247 00

6th. The number of officers and servants of the Branch, and compensation to each is as follows:

Demas Deming, President,	-	\$800 per annum.
Aaron B. Fontaine, Cashier,	-	1000 do
Thomas Jennings, Clerk,	-	500 do
Nathaniel Preston, Clerk,	-	600 do

7th. This Branch pays no rent.

8th. The value of Houses used for Banking purposes is \$11,169 70
and we have also paid this sum towards erecting a
Banking House for the State Bank 227 27

9th. This Branch has never owned any other real estate.

10th. The amount of debts due to other Banks is \$71,439 21
“ “ “ from other “ is 124,720 18

D. DEMING, President,
A. B. FONTAINE, Cashier.

Condition of the Branch at Terre-Haute of the State Bank of Indiana, on Saturday Evening, November 18th, 1837.

Notes Discounted	\$182,782 36	
Bills of Exchange	- 37,408 12	
Suspended debt on personal security	483	
" " on Bills	- 8,196 38	
" " on Mortgage	- 5,000	
	<hr/>	233,869 86
Branch at Fort Wayne	4,788 41	
at Bedford	6 22	
at New Albany, current account	1,563 62	
at Lafayette	1,960 14	
Girard Bank of Philadelphia	5,725 85	
Remittance to Cincinnati	1,345	
Branch State Bank of Illinois, Alton	3,788 34	
Agency Com'l Bk Cincinnati, St. Louis	172 12	
Branch Bank of Illinois, Shawneetown	1 50	
New York Dry Dock Company	82,160 45	
State Bank of Missouri, St. Louis	1,145 17	
Bank of Kentucky	22,563 36	
	<hr/>	124,720 18
Real Estate—Branch Banking House	11,169 70	
State Bank "	227 27	
	<hr/>	11,396 97
Furniture		593 25
Current Expenses		22 06
Protest account		30 82
Indiana Fund Commissioners		9,304 53

Cash, as follows:

Notes of other Branches of this B'k 5,440

" of United States Bank 870

" of other State Banks 24,375

Gold 51,016 66

Silver 67,191 20

148,892 86

\$528,830 58

Commissioners of the Sinking Fund
Individual Deposites

1,326,756
34,683 45

\$528,830 58

A. B. FONTAINE, *Cashier.*

CONDITION of the Branch at New Albany of the State of Indiana, on Saturday Evening, November 18, 1837.

Bills Discounted	272,198 49	Capital Stock paid in by State	80,000 00
Bills of Exchange	16,844 11	do by Individuals	80,000 00
	<u>289,042 60</u>		<u>160,000 00</u>
Banking House	18,681 24	Discount	1,052 63
Other Real Estate	227 27	Exchange	156 99
Furniture	600 00		
Due from other Branches:		Profit and Loss	1,209 62
Branch at Evansville	1,440 81	Treasurer of United States	21,027 24
do Vincennes	634 25	U. S. Pension Agent in Indiana	233,252 33
do Lafayette	1,710 23	School Fund	1,198 81
	<u>3,785 29</u>	Surplus Fund	400 00
		Unclaimed Dividend	21,436 57
Due from other Banks:			696 22
Merchant's Bank New York	102 48	Due from other Branches:	
Union Bank Louisiana N. O.	12,313 01	Branch at Indianapolis	415 13
Girard Bank Philadelphia	40,090 39	do Lawrenceburgh	258 23
Commercial Bank Cincinnati	23 01	do Madison	2,010 57
Agricultural Bank Mississippi	1,488 00	do Bedford	4,892 23
Bank of Kentucky	10,436 59	do Terre Haute	1,563 62
Northern Bank do Louisville	2,763 88		<u>9,139 78</u>
Louisville Saving's Institution	77 91	Due to other Banks:	
	<u>67,295 27</u>	Bank of Pittsburgh	434 06
Branch at Evansville Public Deposites	52,883 85	M. & Manf's Bank of Pittsburgh	2,178 63
Branch Vincennes do	66,433 48	Bank of Louisville	327 21
Branch Terre Haute do	50,759 25	Farmers & M's. Bank Memphis	2 00
	<u>170,076 58</u>		<u>2,941 90</u>
Canal Fund Commissioners	62,909 75	Expense Account	32 00
Protest Account	11 50	Postage do	1 75
Cash U. S. Bank Notes	380 00		<u>23 75</u>

Cash, viz: Notes on other Branches	100 00	253,118 00
of State Bank of Indiana	2,340 00	21,283 87
Notes on Banks of other States	101,933 53	
Specie: Silver	8,345 06	
Gold		
	<u>112,718 59</u>	<u>274,401 87</u>
	<u>\$725,718 09</u>	<u>\$725,728 09</u>

MASON C. FITCH, President.

Last of the Officers of this Branch with their Salaries, viz:

Mason C. Fitch, President,	\$300 per annum.
James R. Shields, Cashier,	1,000 do
— Barnes, Clerk,	500 do

State of the Branch, of the State Bank of Indiana at Madison, at 2 o'clock, P. M. on Saturday the 18th of Nov., 1837.

<i>The Means are:</i>		<i>The Liabilities are:</i>	
Cash—		Capital Stock—Subscribed by State of Indiana	80,000 00
Notes of other Branches of State B'k. of Indiana	13,324 00	Subscribed by Individuals	140,000 00
Notes of other State Banks	15,632 00	Transferred from Bedford Branch	20,000 00
Silver	98,479 61		—240,000 00
Gold	16,461 70	Notes of this Branch in Circulation	174,955 00
	—143,897 31	Surplus Fund	45,579 87
Notes Discounted	307,318 07	Permanent fund for School purposes	400 00
Bills of Exchange purchased		Profit & Loss—for nett profit on 31st October, 1837	22,799 41
Vest. on Eastern Cities	34,252 45	For nett profit since Oct. 31, 1837	2,038 07
“ New Orleans	9,100 00		—24,837 48
“ Louisville & Lexington, Ky.	16,904 42	Individual Deposites	63,332 77
“ Cincinnati	29,417 80	Treasurer of the United States	125,375 87
“ Various other places	14,581 83	Comm'rs. of Sinking Fund of Indiana	625 58
	—104,256 50	Due to Branch at Indianapolis	3,272 28
Suspended Debt—Notes and Bills on Personal Security	12,718 99	do Lawrenceburgh	1,138 31
	—424,293 56	do Richmond	1,847 40
Banking House and Lot, (now worth upwards of \$10,000)	8,614 67	do Evansville	27 76
Other real estate—Banking house lot for State Bank of Indiana	227 27	do Bedford	11,529 93
Furniture of this Branch	599 24	do Lafayette	9,920 00
	—9,441 18	do Fort Wayne	1,045 20
Due from		Commercial Bank of Seioia	325 00
Canal Fund Commissioners of Indiana	85,697 54	Commercial Bank of Cincinnati	1,715 93
		Bank of Virginia Charleston Ka.	436 70
		Bank of Louisville	33 99
		Bank of Pittsburgh	2,144 69
		Bank of Kentucky	93 82

Commissioners of Sinking Fund from

Surplus Revenue	74 75	455 00
State Bank of Indiana	2,015 57	
Branch at New Albany	1,202 50	
do Vincennes	1,547 67	
do Terre Haute		4,840 49
Union Bank of Tenn. Nashville	143 68	
Northern Bank of Kentucky	879 62	
Merchant's Bank of Baltimore	44 53	
Merchant's Bank of New York	113 66	
M. & M. Bank of Pittsburgh	5,716 91	
Union Bank of Maryland	2 25	
Bank of the State of Missouri St. Louis	1,363 79	
Bank, Ohio Life Insurance & Trust Co.	596 73	
Mechanics Bank of Philadelphia	3,770 38	
Girard Bank	10,000 00	
Lafayette Br'h. on account of public deposits	21,037 59	
Bedford Branch on account of do	30,000 00	
	73,669 14	
		\$742,294 22

Northern Bank of Kentucky Louisville	1,198 31
Miami Exporting Company	1,802 71
M. & M. Bank of Wheeling	406 25
Louisville Saving's Institution	408 55
Lafayette Bank of Cincinnati	1,765 80
Franklin Bank of Cincinnati	405 70
Commercial Bank of New Orleans	2,393 07
Morris Canal & Banking Company	24,996 95
North Western Bank of Va. Wheeling	279 30
	67,187 65

JOHN SERING, Cashier.

List of the Officers of this Branch with their Salaries, viz:

J. F. D. Lanier, President	\$1,000 per annum.
John Sering, Cashier	1,400 do
Isaac C. Lea, Clerk	800 do
Samuel B. Sering, Assistant Clerk	300 do

STATEMENT of the condition of the Branch at Indianapolis of the State Bank of Indiana, at 2 o'clock, P. M. on
Dr. Saturday, 18th November, 1837. Cr.

Notes Discounted	259,067 47	Capital Stock paid in by the State	80,000 00
Bills of Exchange	24,493 96	do Individuals	80,000 00
Suspended Debt on personal Security	5,708 31	Treasurer United States	160,000 00
Lots for Banking house	13,532 00	U. S. Pension Agent Indiana	9,477 05
Share in State Bank Lot	227 27	Treasurer U. S. for P. O. Dep't.	219 20
		Branch State Bank at Evansville	3,520 27
		do Vincennes	940 70
			116 08
Vault and Furniture	13,759 27	City Bank New York	1,056 78
Incidental Expenses	922 33	Lafayette Bank Cincinnati	19,282 53
Protest	79 85	Commercial Bank do	5,998 68
State Bank of Indiana	2 25	North Western Bank Virginia	7 13
Branch at Lawrenceburgh	509 96		153 00
Richmond	4,817 60	Comm'r Sinking Fund	25,441 34
Madison	2,048 61	Comm'r Wabash & Erie Cana Fund	1,329 50
New Albany	3,955 40	Comm'r. S. F. Surplus Revenue	1,968 85
Bedford	413 47	Permanent School Fund	2,458 38
Terre Haute	2,311 14	Surplus Fund	400 00
Lafayette	6,195 65	Unclaimed Dividends	36,471 18
Fort Wayne	8,048 95	Profit and Loss—	297 70
	20	Since appropriated to State, Stockholders and Surplus Fund by last dividend	18,300 53
Bills on Cincinnati	27,791 02	Discount	1,373 28
Seaman and Norton	2,000 00	Interest	63 00
Bank of Kentucky	1 50		
Franklin Bank, Cincinnati	1,000 00		
Bank of the Metropolis	524 34		
Miami Ex. Com. Cin.	115 20		
	164 73		

To the Honorable the Senate of the State of Indiana, the following is submitted, under the 65 Section of the Charter of the State Bank of Indiana, as the condition of the Branch at Fort Wayne, on Saturday the 18th day of November, 1837.

Notes discounted	-	214,070 47	Capital Stock paid by State	65,000 00	
Bills of Ex. and Notes purch.	28,562 74		Do. do. Individuals	57,906 25	
		242,633 21			122,906 25
Banking-house Lot	-	1,500 00	Profit and Loss to 31st October, 1837	-	
Banking house	-	8,708 45	Discount since	-	6,918 28
State Banking house	-	227 27	Premium since	-	395 84
Furniture and Fixtures	-	486 15		-	93 30
Current Expenses	-	1 87			
		488 02	Surplus Fund	-	7,407 42
Due from Madison Branch Bank	935 20		School Fund	-	13,830 70
Due from Evansville do.	101 50		Dividends unclaimed	-	200 00
Due from Lafayette do.	798 05		Due Branch Bank Lawrenceburgh	-	283 70
		1,834 75	Do. do. Richmond	25,000 00	
Due from Phoenix Bank, N. Y.	7,831 53		Do.	1,082 83	
Due from Bank River Raisin	45 50				
Due from Bank of Norwalk	1 25		Do. Com. Bank of Buffalo	75	
		7,878 28	Do. Bank of Lancaster	45 95	
Commissioners of Canal Fund		1,415 64			
Remittance to New York	968 90		Individual Deposits	-	46 70
Remittance North	155 00		Circulation	-	29,429 78
On the Canal Line	-	2,715 00		-	187,685 00
		3,838 90			
Protest	-	27 50			\$387,872 38
Cash on hand in Bills of other					
Branches	-	1,255 00			
Do. other State Banks	-	6,920 00			
		8,175 00			

For the Board of Directors,
 ALLEN HAMILTON, President,
 H. M'CULLOCH, Cashier.

Silver	-	-	-	95,271	70
Gold	-	-	-	15,873	66
				<u>111,145</u>	<u>36</u>
					\$387,872 38

Officer's Salaries—

Allen Hamilton, President	-	1,000	00
H. M'Culloch, Cashier	-	650	00
M. W. Hubbell, Teller	-	200	00
Rent per annum	-		

Dr. Condition of the Branch at Lawrenceburgh of the State Bank of Indiana, on Saturday, Nov. 13, 1937. Cr.

Bills Discounted	\$348,547 48		Capital stock paid in by the State	80,000
Bills of Exchange	38,987 49		“ “ by individuals	125,000
		387,534 97		205,000 00
Suspended Debt on personal security		7,819 57	Discount	816 32
“ “ on bonds & mortgages		4,900 00	Exchange	426 97
Banking House		9,222 96		1,243 29
Other real estate--State Bank, banking house			Profit and loss	19,875 14
Furniture		227 30	Treasurer of United States	208,172 50
Current Expense		608 21	U. S. Pension Agent in Indiana	3,150 00
Due from other Branches:		57 71	School Fund	400 00
Branch at Richmond			Surplus Fund	29,976 52
“ at Madison	21,077 72		Unclaimed Dividend	170 64
“ at New Albany	12,562 93		Due from other Branches:	
“ at Evansville	188 26		Branch at Bedford	2,040 00
“ at Fort Wayne	1 50		“ at Lafayette	260 15
	25,000 00			2,300 15
		58,830 41	Due to other Banks:	
Due from other banks:			Bank of Kentucky	35 16
State Bank, Indiana	46 88		Miami Exporting Company	838 51
Commercial Bank, Cincinnati	408 04			
Franklin “ “	10,180 66		Jno. Spencer, Receiver, Fort Wayne	873 67
Lafayette “ “	4,131 82		Commissioner of Sinking Fund	161,173 70
Bank Ohio Life Ins. and Trust Co.	57,319 29		Do from Surplus Revenue	11 72
Lancaster Ohio Bank	2 00			2,198 96
Bank of Louisville	468 29			
Mechanics' Bank, Phil.	23 39			
Bank of the United States	1,852 66			

Merchants' Bank, New York 254 06
Morris Canal and Banking Co. 39,741 60

Fund Commissioners, Indiana 114,428 69
S. Merrill, Pension Agent 58,347 70
R. T. Bicknell 34 97
2 50
4 00

Protest 161,573 70

Gold and silver on special deposit
Cash, viz: Notes on other branches of
State Bank of Indiana 220 00
" and cash on banks of
other States 4,452 00

Specie: Silver 32,062 70
" Gold 67,801 10

" on special deposit in other
banks 5,001 72

Dollars 913,130 21

Circulation 232,442 00
Individual deposits 45,741 92

Dollars 913,130 21

E. D. JOHN, Cashier.

List of Officers of this Branch, and their Salaries.

D. S. Major, President . . . \$300 per annum
Enoch D. John, Cashier . . . 1,200 "
William T. Chappell, Clerk, . . . 1,000 "
C. S. Stevenson, Book-keeper, . . . 600 "

STATEMENT of the Condition of the Branch at Richmond, of the State Bank of Indiana, on Seventh day at 2 o'clock, Eleventh month 18th, 1837.

Dr. Resources of the Branch.		Liabilities of the Branch.		Cr.
Amount of Notes discounted and purchased:	\$261,635 61	Capital Stock paid in by the State	\$80,000 00	
“ “ on personal security	13,600	“ “ by individuals	80,000 00	
“ “ bills of exchange purchased		Discount account	—160,000 00	
“ “ suspended debt on personal security	3,938 25	Damages on protested bills	856 60	
Our Branch Banking House	\$3,218 12	In deposit by the Pension Agent of this State	500 00	
Appropriated for State banking house	227 27	School Fund, at command of Legislat.	229 76	
Furniture and Fixtures	3,445 39	Surplus Fund	400 00	
Current Expenses, Interest, and Premiums	190 79	Dividends not called for	19,654 87	
Due on account from other branches this State Bank	94 52	Due on account to other branches this State Bank	411 90	84
Do from other banks	3,128 49	Do to other banks	14,125 52	
Cash on hand, viz:	7,751 13	In deposit by individuals	5,032 56	
In gold, silver, and copper	104,558 77	Notes of this Branch in circulation	28,045 91	
In notes of other banks	7,745	Profit and loss to 31st October, 1837	181,455 00	
In notes of other branches	13,684		9,059 83	
	—125,987 77			
	\$419,771 95			\$419,771 95

Officers of this Branch and their Salaries.

Albert C. Blanchard, President,	\$200
Elijah Coffin, Cashier,	1,400

ELIJAH COFFIN, Cashier.

Condition of the Branch at Lafayette, of the State Bank of Indiana, on Saturday 18th November, 1837.

Bills discounted	11,402 75	396,944 96	Capital Stock paid in by the State	80,000 00
Banking House	227 27		Do. Individuals	120,000 00
State Bank house	380 84			
Furniture			Discount	1,968 74
			Exchange Premium	489 87
Due from Branch at Lawrenceburgh	15,352 91	12,010 86	Profit and loss to 31st Oct. 1837	16,994 06
Morris Canal and Banking Com.	953 01	258 90	Treasurer of U. S., Interest	39 60
Commercial Bank Cincinnati	37,722 41		Fund	400 00
Canal Fund Commissioners	906 85		Surplus Fund	20,651 71
Sinking Fund do.	1 50		Unclaimed Dividend	762 82
Seventh Ward Bank	38 28			
Corporation Taxes	420 11		Due from other Branches: Branch	
Pension Agent	408 00		at Indianapolis	5,241 94
Lancaster Ohio Bank	36 25	55,839 32	Richmond	181 58
Protest			Madison	11,157 09
			New Albany	2,085 62
Cash, viz: Notes on other branches	485 00		Evansville	156 25
of State Bank of Indiana	29,275 00		Vincennes	27 25
Do. on banks of other States	78,680 08		Terre Haute	2,046 21
Specie;—Silver	5,918 14		For Wayne	711 47
Do. Gold		114,358 22		
			Due from other Banks: Ohio Life	21,607 41
			Ins. and Trust Com.	1,260 82
		579,412 26	Merchants Bank N. Y.	5,682 83
			Westchester County bank	285 81
			Miami Ex. Com.	1,311 23

JAMES WHITE, Cashier.

J. S. Hanna, President.
 James White, cashier.
 Wm. G. Webster, Teller.
 A. P. Linn, Clerk,

1,200
 400
 not fixed.

State bank of Illinois	2 00	8,542 69
Circulation	278,811 00	
Individual Deposites	29,144 36	307,955 36
		579,412 26

Dr. Condition of the Branch at Bedford, of the State Bank of Indiana, on Saturday, Nov. 18, 1837, 2 o'clock. Cr.

Bills Discounted	\$162,591 45		Capital Stock paid in, viz:		
Bills of Exchange	55,356 45	217,947 90	Amount paid by State	70,000 00	
			Amount paid by individuals	70,000 00	140,000 00
Suspended debt on personal security	7,732 56		Discount	1,012 14	
“ “ on bills	22,235 50		Exchange	275 88	
“ “ on bonds and mortgages	4,591 50				1,288 02
Banking house		34,559 56	U. States Pension Agent in Indiana		489 97
Furniture	1,737 97		Commissioners of the Sinking Fund		724 22
	136 13		School Fund	400 00	
Current expenses		1,874 10	Surplus Fund	14,900 96	
Due from other branches:		335 38	Unclaimed Dividend	249 34	
Branch at Lawrenceburgh	2,040 00				15,550 30
“ at Madison account current	13,972 57		Due other branches:		
“ at New Albany	4,892 23		Branch at Indianapolis		4,449 60
“ at Terre-Haute	78		Due other banks:		
		20,905 58	Branch at Madison, on account of		31,897 22
Due from other banks:			Public Deposites		
Bank of Kentucky	26,820 84		Damages on Protested bills	350 06	
Bank of Louisville	1,586 65		Protest	12 63	
Commercial Bank of Cincinnati	2,475 07				362 69
Lancaster Ohio Bank	2 00				
		30,884 56			
Remittance to Louisville	3,415 00				
“ “ Indianapolis	85 00				
		3,500 00			

Cash, viz:

Notes of the U. States Bank
Cents

2,550 00
7 00

2,557 00

Notes on other branches of State

Bank of Indiana

" on banks of other States

14,330 00
6,800 00

21,130 00

Specie: Silver

" Gold

58,647 03
26,981 82

85,628 85

Circulation
Individual Deposites

208,675 00
4,946 27

213,621 27

419,322 93

419,322 93

NOTES OF BRANCHES ON HAND.

80

Indianapolis	805 00	Madison	3,205 00	Vincennes	710 00	Fort Wayne	635 00
Lawrenceburgh	2,020 00	New Albany	4,380 00	Terre-Haute	715 00		
Richmond	635 00	Evansville	430 00	Lafayette	795 00		

D. R. DUNIHUE, Cashier.

Officers in this Branch, and their Salaries.

John Vestal, President, Salary \$200 per annum—also State Director from this branch, \$2 50
per day while on business.

D. R. Dunihue, Cashier, \$800 per annum.

John Brown, Clerk, \$500 per annum.

Bills Discounted	\$250,975 83		Capital Stock paid in by the State	80,000 00	
Bills of Exchange	8,443 75	259,419 58	" " by individuals	80,000 00	160,00 00
Suspended Debt on Personal Security	3,240 00		Profit and Loss, since 1st instant		1,593 11
" " on Bills	350 00	3,590 00	Profit and Loss to 31st Oct. 1837		8,124 77
Banking House	2,407 97		School Fund	400 00	
Other Real Estate—State Bank Bank-			Surplus Fund	12,522 32	
ing House	227 27		Unclaimed Dividend	583 77	13,506 09
Furniture	577 81	3,213 05	Due other Branches:		
Due from other Branches:			Branch at Indianapolis	309 56	
Branch at Terre-Haute	8,966 75		" at Madison	1,132 50	
" at Lafayette	27 25		" at New Albany	679 25	
			" at Evansville	258 28	
Due from other banks:		8,994 00			2,379 59
Bank of Louisville	50 19		Due other Banks;		
" Kentucky	1,145 64		New Albany Branch, Pub. Depos.	66,433 48	
Merchants Bank, New York	20,751 37		Circulation	181,130 00	
Morris Canal and Banking Co.	8,861 20		Individual Deposites	23,052 04	
Commercial Bank, Cincinnati	1,467 65				204,182 04
" " New Orleans	7,599 50				
Pension Agent	26 22	39,901 77			
Cash, viz: Notes on other Branches:					
State Bank Indiana	8,644 00				
" Notes on banks of other					

States

24,675 00	33,319 00
93,938 04	
13,843 64	
107,781 68	
456,219 08	

\$456,219 08

NOTES OF BRANCHES ON HAND.

Indianapolis	\$805 00	Madison	720 00	Bedford	730 00	Fort Wayne	555 00
Lawrenceburgh	795 00	New Albany	685 00	Terre-Haute	650 00		
Richmond	1,000 00	Evansville	1,455 00	Lafayette	1,249 00		

JOHN ROSS, Cashier.

List of Officers of this Branch, with their Salaries, viz:

D. S. BONNER, President	-	-	-	-	-	-	-
JOHN ROSS, Cashier	-	-	-	-	-	-	\$1,200 00
G. W. RATHBONE, Clerk	-	-	-	-	-	-	600 00

To the General Assembly:

The receipts by the Commissioners of the Sinking Fund, from the organization of the Board up to November 1837, have been as follows:

State Bonds	\$1,390,000 00
Premium on State Bonds	29,496 92
Interest and premium	3,019 58
Interest from Stock Loans	14,750 86
“ “ Current Loans	38,661 76
Dividends on Bank Stock	104,550 00
Bank Mortgages	111 23
Over payment by Fund Commissioners	28 92
	<hr/>
	\$1,580,619 27

The above has been appropriated as follows:

Loans to Stockholders, Indianapolis Branch	\$38,705 88½
“ “ Lawrenceburgh “	43,064 69½
“ “ Richmond “	12,756 87½
“ “ Madison “	41,677 96½
“ “ Evansville “	20,049 68½
“ “ Vincennes “	11,205 47½
“ “ Bedford “	24,167 74
“ “ Terre-Haute “	21,245 05½
“ “ Lafayette “	25,073 17½
“ “ Fort Wayne “	17,062 50
	<hr/>
	\$255,009 05
Bank Stock	865,000 00
Current Loans - - - - .	319,676 78½
Cash balances, Indianapolis Branch	\$63 41
“ “ Madison “	715 69
“ “ Evansville “	471 79
“ “ Bedford “	723 72
“ “ Terre-Haute “	1,538 82½
“ “ Lafayette “	342 93
“ “ R. Morrison, Com'r.	1,253 60
	<hr/>
	5,109 96½
Interest on State Bonds	128,236 45
Expenses in obtaining loans	4,494 13½
“ “ transporting specie	1,271 39
Current Expenses	1,821 49½
	<hr/>
	\$1,580,619 27

The following is the account of the Surplus Revenue received by the Commissioners:

Third Instalment, paid July 1st, by Treas. of State	286,751 48
Interest paid on Loans	23,706 45
	<hr/>
	\$310,457 93

Appropriation:

Loans made on Mortgages	263,255 00
Eight per cent. paid Fund Commissioners	22,940 11
One " " reserved for current expense	2,867 51
Cash on hand, R. Morrison	1,493 18
Lafayette branch	9,900 13
Bedford	2 50
Madison	910 00
Indianapolis	733 32
Lawrenceburgh	8,356 18

\$310,457 93

A considerable portion of the above, charged against the Branches, is actually loaned out, but the mortgages not having been recorded and returned to the office, they have not yet been entered on the books.

No loan having been made by the State to pay the third instalment of stock in the Fort Wayne Branch, the Sinking Fund Commissioners are proceeding to pay it out of the balance on hand, and by a temporary loan. The interest of the different funds will, however, be kept distinct and applied to the purposes required by law.

In conformity with the directions of the last Legislature, to the Commissioners appointed to loan the surplus revenue in the counties, this Board has required interest at the rate of 9 per cent. on the loans made since the 25th February last.

When the third instalment of Surplus Revenue was paid over, in order to make it immediately productive, the Commissioners proceeded at once to loan it, and the mortgages, with very few exceptions, bear interest from the first of July, the day the money was received. They had also provided for loaning out the fourth instalment of surplus revenue, due in October, without unnecessary delay, in those parts of the State in which no loans had previously been made.

By the dividend of 22d November last, \$46,000 09 were added to the Sinking Fund, and near \$15,000 more of interest on loans will be paid by the 1st of January next, when the semi-annual interest on the State loan must be paid in New York.

Respectfully submitted,

S. MERRILL, *Pres't.*

L. H. SCOTT, }
 R. MORRISON, } *Commissioners*
 C. FLETCHER, } *Sinking Fund.*
 A. WORTH, }

Dec. 7th, 1837.

Mr. Stanford from the Committee on enrolled bills now reports:

MR. PRESIDENT—

The joint committee on enrolled bills now report, that they have

compared the enrolled with the engrossed bill of the Senate No. 3, entitled,

An act legalizing certain proceedings in relation to certain school lands and school trustees in Lawrence county, and find the same truly enrolled.

Mr. Walker presented a petition from James K. Sleeth and others, praying the location of a state road through Marion, Johnson, and Shelby counties.

Mr. Brady also presented a petition on the same subject.

It was ordered that they should be referred to a select committee composed of Messrs. Walker, Thompson of J. and Brady.

Mr. Stewart presented a petition from citizens of Gibson county, praying the charter of a bridge across the Wabash, &c.

On motion,

Ordered, to be referred to a select committee, composed of Messrs. Stewart, Casey, Thompson of P. and Mitchell.

On motion of Mr. Stewart, Mr. Tuley, Senator from Floyd, was added to the committee.

The President laid before the Senate the following Report of the Secretary of State:

Indianapolis, Dec. 9th, 1837.

Hon. DAVID HILLIS:

Sir—Please lay before the Senate the enclosed report:

Very respectfully,

WM. J. BROWN, *Sec'y of State.*

*Department of State, }
Indianapolis, Dec. 9th, 1837. }*

The Secretary of State respectfully reports to the Senate and House of Representatives, at the present session, that on the 8th day of April last, contracts were made with the following named persons for the distribution of the Laws and Journals of the last session, at the prices severally set forth, to wit:

Frederick Hartzell	1st Circuit	\$74 50
John M. Wetzell	2 "	69 00
Solomon Wells	3 "	34 49
Isaac Fisher	4 "	125 00
Arthur L. Wells	5 "	34 49
James Vanblaricum	6 "	85 00
Jordan Wright	7 "	20 00
Robert Patterson	8 "	150 00
Elliott M. Patterson	9 "	115 00

A contract was made with Isaac Fisher, on the 22d day of July for the delivery of one hundred cords of Wood, at two dollars eleven cents and nine mills per cord.

The Stationary necessary for the use of the General Assembly has been purchased of the Richmond Manufacturing Company, and of George Conklin of Cincinnati, Ohio, bills of which will be laid before you by the Treasurer of State.

The law of the last session imposed on the Secretary of State additional duties as State Librarian. I have, therefore, made that matter the subject of a separate communication.

Respectfully submitted,

WM. J. BROWN.

On motion ordered that 200 copies be printed for the use of the Senate.

The President also laid before the Senate the following annual report of the State Librarian:

On motion,

Ordered, That 200 copies be printed.

INDIANAPOLIS, Dec. 9, 1837.

HON. DAVID HILLIS,

President of the Senate

SIR—You will please lay before the Senate, the accompanying report. I am sir, very respectfully, your ob't serv't,

WM. J. BROWN, *Sec'y. of State.*

INDIANAPOLIS, DECEMBER 9th, 1837.

The Secretary of State, and *ex-officio* the State Librarian, according to the provisions of an act entitled "an act for the preservation of the State House and for other purposes," approved February 6th, 1837, now reports to the General Assembly, that the room for the Library in the State House, has been fitted up and shelved in a manner as near as possible, corresponding with the remainder of the work in the building. The work was performed by Messrs. Hattan & Scofield of Connersville, Indiana, in a manner highly creditable to them as mechanics, and at a cost much below the general estimate. A report of the particular items of expense will be laid before you by the superintendent of the State House in his annual report. One side of the adjoining room has been fitted up, in the same manner under the provisions of the same act, for the use of the Indiana Law Library. The whole has been neatly carpeted and supplied with furniture and other conveniences, for the comfort of the members of the Legislature, and others entitled to the use of the books.

Under the law of last session, appropriating two hundred dollars annually, for the increase of the State Library, I made arrangements with Henry W. Elsworth, Esqr., who was about to visit the Eastern Cities, to purchase the necessary additions to the Library under the pre-

visions of said act, and required him as far as possible, to purchase such books as were in the list furnished by the Committee on the State Library. Finding that it would be much to the advantage of the State to anticipate the appropriation fixed by law for next year, in the purchase of books, I authorized him to purchase four hundred dollars worth; which he accordingly did, two hundred dollars of which is to be paid by the next year's appropriation. Many of the books on the list furnished, could not be found, their places have been supplied with others, which I think will be satisfactory to the members of the Legislature, among which are many rare and valuable works; herewith is annexed a Catalogue of the books purchased with the prices:

Johnson's Life of General Greene	2 vols.	\$4 50
Acerbi's Travels	2 "	2 25
Trumbull's History of Connecticut	2 "	4 00
Bozman's History of Maryland	1 "	1 25
Letters of Lewis the 16th	3 "	1 50
Bulwer's Athens	2 "	1 50
Stevens' Travels in Egypt, Arabia Petra, &c.	2 "	2 00
Ramsay's History of South Carolina	2 "	4 00
Heeren's Political System	1 "	3 00
Holt's Life of George the 3d	2 "	4 50
Prince's New England Annals	1 "	2 00
Tenneman's Manual of Philosophy	1 "	3 75
Atheneum	16 "	12 00
Letters from Palmyra	2 "	2 00
Southey's Book of the Church	2 "	3 00
Murdocks Moshiem	3 "	6 75
Mather's Magnalia	2 "	4 00
Bradford's History of Massachusetts	2 "	3 00
Botta's History of Italy	1 "	2 00
Foreign Review	10 "	5 00
Chellingsworth's Works	1 "	3 50
Ottoman Empire	1 "	3 50
Lives of the Principal Cardinals	1 "	2 50
History of Algiers	2 "	3 00
Pope's Translation of Illiad and Odessy	5 "	8 00
Anderson's History of France	2 "	3 00
Chesterfield's Letters	2 "	3 00
Clarendon's Life	3 "	4 00
Lives of the Principal Reformers	1 "	3 50
Turkish Spy	3 "	4 00
New England Magazine	7 "	5 00
Trotters Life of Fox	1 "	1 50
Burke's European Settlements	2 "	2 50
Fitzosborn's Letters	1 "	75
Fosters Essays	1 "	50
History of Enthusiasm	1 "	67
Philip, Curran & Grattan's Speeches	1 "	1 25

Madden's Infirmary of Genius	1	"	75
Degerands on Self-Education	1	"	1 00
Southey's Essays	2	"	2 00
Volney's View of America	1	"	1 50
Davis' Life of Burr	1	"	1 90
Mills' History of the Crusades	1	"	3 00
Burne's Travels in Bokhara	2	"	1 20
Josephus' Works	1	"	1 50
Dryden's Works	2	"	2 50
History of Florence	2	"	1 25
History of the Hartford Convention	1	"	2 00
History of Mexico and Guatamela	2	"	1 50
Marbois' History of Louisiana	1	"	1 50
Clarendon's Rebellion	6	"	7 50
Family Library	5	"	2 25
Dunn's Guatamela	1	"	1 00
Henderson's Iceland	1	"	75
Shalin's Sketches of Algiers	1	"	1 25
Essays of Elia by Charles Lamb	1	"	50
Report on the Penitentiary System	1	"	1 50
Story's Miscellaneous Writings	1	"	1 75
Schelegel's Lectures	1	"	1 50
Wayland's Moral Science	1	"	1 25
Brougham on Science	1	"	50
Biglow's Technology	1	"	2 75
Armstrong's War of 1812	1	"	75
Memoirs of Cardinal Richelieu, &c.	2	"	1 25
Goldsmith's Works	1	"	1 80
Goldsmith's Life of Prior	1	"	2 00
Dunglisson's Physiology	2	"	5 75
Chalmer's Works	1	"	1 50
Good's Book of Nature	1	"	1 25
Dugald Stewart's Complete Works	7	"	8 00
Irving's Astoria	2	"	2 75
Eatons Life of Jackson	1	"	1 75
Tudgold's Carpentry	1	"	4 00
Engineers' Encyclopedia	2	"	10 00
Cheautaubrian's Travels	2	"	4 50
McKenzie's Works	1	"	1 25
Nuttall's Ornithology	2	"	4 00
Owen's Voyages	2	"	1 25
Powers' Impressions	2	"	1 25
Crabb's Historical Dictionary	2	"	14 00
Carey's Library	2	"	4 00
Sheridan's Works	1	"	1 25
Stanhope's Greece	1	"	75
Aiken's Charles,	2	"	1 50
Bayley's History of Plymouth	2	"	3 16
Madrid in 1835	1	"	1 00
Peale's Italy	1	"	1 00

Memoirs of Commodore Barney	1	"	1 25
Dunlap's Hist. of Arts and Design	2	"	3 50
Thomas' History of Printing	2	"	2 50
Memoir Richard Sands	2	"	3 00
Dymonds Essays	1	"	1 25
Scottish Gael	1	"	1 50
Huskisson & Windham's Speeches	1	"	1 80
Burke & Chatham's do	1	"	2 00
Gardens & Menagerie of Zoological Society	2	"	4 00
Memoirs of Count Grammont	2	"	1 50
Lockhart's Life of Scott	1	"	2 50
Wraxall's Memoirs	2	"	4 50
Neibulor's History of Rome	2	"	4 00
Williamson's History North Carolina	2	"	2 50
Chemistry of the Arts	2	"	4 00
Brougham on the Present State of the Law	1	"	63
Pickwick Papers by Boz	4	"	1 80
Walton's Lives	2	"	1 50
Beckford's Italy	2	"	75
Aikenside's Pleasure of Imagination	1	"	75
History of Pompeii	1	"	60
Upham's Witchcraft	1	"	50
Knowle's Works	1	"	75
Life of Wolf Tone	1	"	67
Constable's Miscellany	14	"	9 38
Campbells Letters from the South	2	"	3 50
Cooper's Complete Works	26	"	13 00
Encyclopedia of Geography	3	"	9 00
Butler's Analogy	1	"	75
Belknap's History of New Hampshire,	2	"	4 00
Wheaton's History of North Men & Danes	1	"	1 75
Essays on Truth and Opinion	2	"	1 00
Lady Montague's Works	2	"	3 75
Miss Martineau's Society in America	2	"	1 76
British Cicero	3	"	3 00
Abbe Mellott's History and Binding	3	"	5 00
Gibbon's Miscellaneous Works	3	"	3 00
Aiken's Letters	1	"	75
Leland's History of Ireland	3	"	3 50
Clapperton's Expedition	1	"	1 00
Pratt's Gleanings	3	"	2 00
Plowden's History of Ireland	5	"	5 00
Hecknelder's Narrative	1	"	2 00
Roscoe's Life of Leo the 10th and Binding	4	"	10 00
Irving's Works	12	"	6 00
Crayon Miscellany	3	"	2 50
American Almanac	1	"	1 00
Pocahontas, An Historical Drama	1	"	45
Life of Milton	1	"	75
Life of Roger Williams	1	"	75
Gordon's Pennsylvania	2	"	2 00

Insurance paid at Philadelphia,	3 00
Freight of Books from N. Haven to Philadelphia,	2 50
Two Boxes, Postage, &c.	2 68
Postage, Centage, and case at New Haven, Conn.	2 11

\$400 00

The usual number of Congressional Documents, together with the laws of the last session of Congress, due the State of Indiana have been received. Duplicate sets of the American State Papers, (Gales & Seaton's edition,) splendidly bound, have also been received. The third volume of Blackford's Reports has been transmitted to the several States as directed by a joint resolution of the General Assembly. There have been received since the last report of the State Librarian,

Leigh's Reports of the Supreme Court of Virginia,	5	volumes.
Harrington's Delaware Reports	1	"
Dana's Kentucky Reports	1	"
Gill & Johnson's Maryland Reports	1	"
Day's Connecticut Reports	1	"
Vermont Reports	1	"
Laws of Mississippi 1836	2	"
" Maryland	3	"
" Massachusetts for 1836	2	"
" Vermont	1	"
" South Carolina 1836	1	"
" New Hampshire	3	"
" Kentucky	2	"
" North Carolina	1	"
" Delaware	3	"
" Massachusetts for 1837	4	"
" Pennsylvania "	3	"
" New Jersey "	3	"
" New York "	3	"
" Louisiana "	3	"
" South Carolina "	2	"
" Connecticut "	6	"
" Maryland "	3	"
" Ohio "	3	"
" New Hampshire "	2	"
" Maine "	3	"

These have been bound and added to the State Library.

Respectfully submitted,

WM. J. BROWN, State Librarian.

Ordered that 200 copies of the report of the Secretary of State and of the State Librarian combined, be printed for the use of the Senate.

Mr. Thompson of L. presented a memorial and accompanying documents from Joshua S. Giffing, praying, &c.

Which after being read, was, on motion, referred to the Judiciary Committee.

Mr. Finch presented a petition from James H. Stewart and others, praying the location of a State road from Delphi to Michigantown.

On motion, referred to a select committee, composed of Messrs. Finch and Ewing.

Mr. Elliott presented a petition from Jacob Chrisman and others, praying the location of a State road, commencing at the northern point of the White Water or Eastern canal, and running to the town of Fort Wayne, in the county of Allen, &c.

On motion, referred to a select committee composed of Messrs. Elliott, Kennedy, Bradbury, and Colerick.

Mr. Hackett presented a petition from Isaac Coulter and others, praying the name of the town of Middletown may be changed, &c.

On motion referred to a select committee composed of Messrs. Hackett, Vawter and Daily.

On motion of Mr. Cole, the resolution from the House of Representatives, relative to the election of Judges, Prosecuting Attornies, &c. was taken from the table.

On motion of Mr. Thompson of L. all that part of said resolution relating to the election of Treasurer and Auditor of State, be stricken out; and that the Senate proceed to the election this day at 10 o'clock. And on the question of concurrence, and adoption of the resolution, and its amendments, the Senate decided in the affirmative.

Whereupon Messrs. Thompson of L. and Stafford were appointed tellers on the part of the Senate.

The following Message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, By this House, that the joint rules be amended, so that the committee on the canal fund consist of five members on the part of each House, and that the Senate be requested to concur in this amendment.

On motion of Mr. Thompson of L. laid on the table.

Mr. Thompson of L. moved the following resolution:

Resolved, That the standing rule of the Senate, in relation to the appointment of the committee of canals and internal improvements, be so amended, that the senator from St. Josephs be added to that committee.

Mr. Moore moved to lay the same upon the table; and on the question, shall the resolution be laid upon the table? The Senate decided in the negative.

The question then recurring, on the adoption of the resolution, the Senate decided in the affirmative. So the resolution was adopted.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the amendments of the Senate, to the resolution of the House, fixing the time for the election of president judges and prosecuting attorneys, and fixing the time this morning at 10 o'clock; Messrs. Huff and Reeve are appointed tellers on the part of the House of Representatives.

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend in this Hall instanter, to go into the election of judges and prosecuting attorneys of such districts, as are to be elected by a resolution of the two houses; and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the Hall of the House of Representatives, for the purpose of electing said officers.

The convention then proceeded to elect by ballot a president of the 1st judicial circuit of the State of Indiana; and upon counting the votes it appeared that Wm. P. Bryant had received 69 votes.
and Isaac Naylor " 75 "

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Isaac Naylor having received a majority of all the votes given, was declared by the president, duly elected for the term of seven years from and after this day.

The convention then proceeded to elect by ballot, a president judge of the 2nd judicial circuit of the State of Indiana; and on counting the votes, it appeared that

John H. Thompson received 121 votes.
Scattering 22 "

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John H. Thompson having received a majority of all the votes given, was declared by the president duly elected for the term of seven years from and after this day.

The convention then proceeded to the election by ballot, of a president judge of the 3d judicial circuit of the State of Indiana; and upon counting the votes, it appeared that

Andrew Davidson received 66 votes.
Miles C. Eggleston " 75 "
Scattering 2

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Miles C. Eggleston having received a majority of all the votes given, was declared by the president duly elected, for the term of seven years from and after this day.

The convention then proceeded to the election of prosecuting attorney for the 1st judicial circuit of the State of Indiana; and on counting the votes it appeared that

Joseph A. Wright received	69 votes.
Daniel Mace “	40 “
Rufus A. Lockwood “	15 “
Samuel Wilson “	19 “
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Neither candidate having received a majority of all the votes given, the convention proceeded to 2nd balloting; and on counting the votes on the second ballot, it appeared that

Joseph Wright received	78 votes.
Daniel Mace “	61
Rufus A. Lockwood “	4
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Joseph Wright having received a majority of all the votes given, the president pronounced him duly elected for two years from and after this day.

The convention then proceeded to the election of a prosecuting attorney for the 3d judicial circuit of the State of Indiana; and upon counting the votes, it appeared that

J. Dumont received	76 votes.
J. S. Watts “	26 “
J. Matson “	38 “
Scattering	3
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John Dumont having received a majority of all the votes given, the president pronounced him duly elected for two years from and after this day.

The elections for which the Houses were convened, having been gone through, the Senate returned to their chamber.

On motion of Mr. Thompson of L.,

Resolved, That when the Senate adjourns, it will adjourn until Monday morning 9 o'clock.

On motion, the Senate adjourned.

MONDAY MORNING, DEC. 11, 1837.

Senate assembled.

Mr. Little from the committee appointed for that purpose, now reports a bill, entitled

"A bill to amend the act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses, or masonic lodges, approved Feb. 10, 1837."

Which being read the first time, was passed to a second reading on to-morrow.

On motion of Mr. Vawter,

Resolved, That the judges of the supreme court be respectfully invited to communicate to the Senate what progress they have made in revising the laws; and whether a revision of the statute laws of the State will be made and reported to this General Assembly in time for the action of the two Houses thereof, during the present session.

On motion of Mr. Mount,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending an act, approved Feb. 2, 1832—and an act amendatory thereto, for the encouragement of common schools, approved Feb. 7, 1835, so that all lands hereafter, that shall be returned to the school commissioner for the non-payment of taxes, shall only be chargeable with half the penalty and interest now required, and at the expiration of three years after the same may be returned to said school commissioner, shall, after giving the notice now required by law, proceed to offer at public sale said lands so returned to said school commissioner, in tracts not exceeding one-fourth of the lands so returned, which any person or persons may own in any one county, and as near as practicable corresponding with the sub divisions prescribed for the sale of public lands, and so continue until a sum is realized sufficient to discharge the taxes, penalty, interest and costs; and in case an excess should remain, pay the same over to such delinquent, if demanded, otherwise to remain in discharge of said delinquent's taxes afterwards accruing.

On motion of Mr. Kennedy,

Resolved, That the committee on the State prison, be requested to inquire whether there has been any escape of convicts from the State prison, during the last year; and if there have been any such escapes, that said committee inquire whether the keepers of said prison have used due diligence to re-capture said escaping convicts.

On motion of Mr. Elliott,

Resolved, That the judiciary committee be instructed to inquire into the expediency of changing the present probate system, to that of a circuit system, and elect judges in the same manner as the circuit judges are at this time; and report by bill or otherwise.

On motion of Mr. Morgan of R., the resolution of Mr. Vawter, relative to an inquiry of the supreme judges, as to what progress they have made in revising the laws, &c. was taken up for re-consideration.

Mr. Little moved to lay the same on the table, which was negatived,

Mr. Dobson moved to amend, by inserting the words, "at what time they will be able to make the report;" which was also negatived.

The question then was, "shall the resolution be adopted," and the Senate adopted the said resolution.

On motion of Mr. Thompson of P.,

Resolved, That the judiciary committee be required to inquire into the policy of so amending our statutes in relation to crime and punishment, as to provide that defendants upon presentment or indictments for offences, the penalties for which are by finds alone, shall have the right, when there are several presentments or indictments for the same similar offences, to require that they shall be consolidated, and plead to as if originally but one presentment or indictment.

On motion of Mr. Little,

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill to the Senate, providing for a uniform system of doing county business throughout the State of Indiana.

On motion of Mr. Thompson of P.

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of the 9th section of the statute for the prevention of frauds and perjuries, approved Jan. 24, 1831, as requires the examination of a *feme covert* separate and apart from her husband, in the conveyance of her estate, on her right of, in, and to any lands, tenements, or hereditaments whatsoever.

Mr. Smith moved the following resolution:

Resolved, That the Fund Commissioner be directed to report at as early a day of the present session as possible, the full amount of money loaned for purposes of Internal Improvement, with the amount disbursed, and the amount on hand; the kind of funds the loans are negotiated in—whether in specie or paper; if in the latter, what is the difference in exchange between specie and paper; together with the amount of interest paid, unpaid, and due on loans. And out of what funds the interest has been paid and payable, and of what kind of funds, specie or bank paper is used in the payment of interest.

Mr. Colerick moved to lay it on the table.

And on the question the ayes and noes were called.

Those who voted in the affirmative are,

Messrs. Baird of St. J., Beard of Montgomery, Bell, Bradbury, Chambers, Cole, Colerick, Crawford, Dunn, Elliott, Ewing, Hacket, Kennedy, Little, Moffit, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Trask, Tuley, Watt of U., Vawter—25.

Those who voted in the negative are,

Messrs. Brady, Casey, Cathcart, Clark, Daily, Dobson, Dunning, Finch, Green, Mitchell, Moore, Morgan of D., Morgan of R., Puett, Smith, Stewart, Terman, Thompson of P., Walker, Watts of D.—20.

And so said report was laid upon the table.

On motion of Mr. Mitchell,

Resolved, That the judiciary committee be requested to inquire into the expediency of prohibiting individual citizens and corporations from collecting by law, debts due them in specie from this time until the expiration of three months after the State Bank of Indiana and its Branches shall have resumed specie payment for their notes.

On motion of Mr. Moore,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of providing a law to prevent any of the Branches of the State Bank of Indiana from suing or collecting any money loaned in the State of Indiana, until the said Banks resume specie payment.

Mr. Morgan of R. moved the following resolution:

Resolved, That the President and Directors of the State Bank of Indiana be requested to inform the Senate at what time the Bank will resume specie payment. Also, what kind of funds are received at the Branches in payment of debts due the Bank or Branches.

The following message was received from the House of Representatives, by Mr. Elliott their clerk.

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That this House will, the Senate concurring therein, proceed to the election of Treasurer of State, and Auditor of Public Accounts, on this day at 2 o'clock, P. M. Messrs. Lee and Thompson of Allen are appointed tellers on the part of the House of Representatives.

The Speaker of the House of Representatives having signed an enrolled bill of the Senate,

No. 3—An act legalizing certain proceedings in relation to certain school lands and school trustees in Lawrence county.

I am directed to bring it to the Senate for the signature of the President thereof.

Mr. Crawford offered to insert the following as an amendment to the resolution of Mr. Morgan, "And also if the directors have determined at what time they will locate the 12th Branch, and at what point said Branch will be located;"

Which was not agreed to.

The question then being shall the resolution be adopted? and the Senate adopted said resolution.

On motion of Mr. Ewing,

Resolved, That the President and Directors of the State Bank of Indiana be requested to inform the Senate, at as early a day as is practicable, at what time and places they intend to locate the 12th and 13th Branches of said Bank.

The message from the House of Representatives relating to the "election of treasurer of State and auditor of public accounts," was

concurred in, and Messrs. Morgan of R., and Ewing appointed tellers.

On motion of Mr. Trask,

Resolved, That the judiciary committee be instructed to give their opinion of the constitutional difference between passing a law to extend the stay of execution on debts contracted previous to this time, and passing a law that release all debtors from the payment of all debts for a given time, and whether either or both may or may not be considered *ex-post facto* laws.

Mr. Tuley moved the following resolution:

Resolved, That the standing committee on roads be instructed to inquire into the expediency of repealing so much of the 29th section of an act entitled "an act to regulate the mode of doing county business, approved 19th January, 1831," as relates to the election of supervisors of highways in the several counties of this State.

On motion of Mr. Kennedy, said resolution was amended by adding "And to give to said Board the appointment of said Supervisors."

Mr. Clark also moved that they inquire if further legal provisions be necessary to inform the county Board of failure to swear in Supervisors elected by the people.

Which amendment was not agreed to.

The question then recurring "shall the resolution be adopted?" and it was adopted.

Mr. Walker gave notice, that he would on to-morrow, move to amend the Standing Rules of the Senate so far as relates to the formation of the "Standing Committee on Canals and Internal Improvements" in order to add the Senator from Cass to the said committee.

Mr. Crawford also gave notice that he would move to repeal said rule altogether and leave the President free to select whom and from where he pleased.

Mr. Stanford moved the following resolution,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so amending the Revenue Law as to dispense with the Collectors' *traveling* over the counties, to demand the taxes, and of making it the duty of the people of each township to meet the collector at a certain time and place and pay their taxes.

Mr. Morgan of R. offered the following amendment which was adopted:

"And to reduce the per centum for collecting."

Mr. Smith proposed to amend by adding, "that it shall not be legal for the collector to call on any individual at his own house for taxes," which was not agreed to.

Mr. Sigler offered the following amendment, "and also to inquire into the expediency of extending time to the several Collectors in this State until the 2d Monday of January, in each year, to pay into the State Treasury the Revenue of the State."

Which was agreed to, and on the question "shall the resolution be adopted?"—it was by consent adopted.

The following communication was received from His Excellency the Governor, by his private Secretary Mr. Maguire:

Executive Department,
Dec. 11th, 1837.

Gentlemen of the Senate:

Permit me to nominate to you as Judges of the Supreme Court, for the next constitutional term, Isaac Blackford, Charles Dewey, and Jeremiah Sullivan, Esqrs. and to ask your advice and consent to their appointment. This term commences the 29th of January, 1838.

DAVID WALLACE.

Mr. Thompson of L. offered the following resolution:

Resolved, That the Senate do advise and consent to the nomination of Isaac Blackford, Charles Dewey, and Jeremiah Sullivan, as Judges of the Supreme Court of the State of Indiana.

On motion, ordered to lie on the table.

On motion the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Vawter introduced a letter from James D. Lanier, which was read and referred to the committee on claims.

The following message was received from the House of Representatives by Mr. Elliott their clerk.

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the Senate be invited to attend in the hall of the House of Representatives instantler, for the purpose of going into the election of Treasurer of State and Auditor of Public Accounts, and that seats be provided for them on the right of the Speaker's chair.

Whereupon the Senate repaired to the hall of the House of Representatives for the purpose of electing said officers.

The convention then proceeded to the election by ballot, of a Treasurer of State, and upon counting the votes it appeared that

Nathan B. Palmer received	77 votes,
William Sheets “	61 “
Scattering	6 “

Nathan B. Palmer having received a majority of all the votes given, was declared by the President duly elected for the term of three years from and after their present term of service.

The convention then proceeded to elect by ballot an Auditor of Public Accounts, and on counting the votes it appeared that

Morris Morris, received	83 votes.
Mayhew, “	31 “
Tingle, “	26 “
Scattering	5 “

Morris Morris having received a majority of all the votes given, was declared by the President duly elected for the term of 3 years, from and after their present term of service.

The election for which the houses convened, having been gone through, the Senate returned to their chamber.

On motion of Mr. Clark,
Resolved, that the Governor's Message be committed to a committee of the whole Senate, for to-morrow.
 On motion the Senate adjourned.

TUESDAY MORNING, DEC. 12.

Senate assembled.

Mr. Dunning presented a petition from William Ross and others, praying that the old location of the Indianapolis and Leavenworth state road, leading from Bloomington to Bedford remain as it now does, &c.

Which was referred to the committee on roads.

Mr. Moore presented a petition from John White and others, praying a more expeditious and economical mode of collecting the revenue, &c;

Which was referred to a select committee composed of Messrs. Moore, Dunning, Sigler and Thompson of P.

Mr. Dobson from the select committee for that purpose now reports:

Mr. PRESIDENT—

The select committee to whom was referred a resolution of the Senate, on the subject of printing numbers of the standing and joint rules, have had that subject under consideration, and have directed me to report for the adoption of the Senate, the following resolution:

Resolved, That a select committee be appointed, whose duty it shall be to compile for publication the standing rules of the Senate, and the joint rules of the present General Assembly, and that when the same shall have been compiled, that copies of each be printed for the use of the members of the Senate.

On motion of Mr. Kennedy, the blank was filled with two hundred; and ordered that Messrs. Morgan of R., Clark and Stanford be that committee.

On leave being granted, Mr. Thompson of L. from the judiciary committee now reports:

Mr. PRESIDENT—

The judiciary committee to whom was referred the resolution of the Senate, instructing an inquiry into the expediency of so amending an act entitled an act relative to crime and punishment, approved February 10th, 1831, so as to provide that defendants upon present-

ment or indictment for offences punishable by fine alone, shall, when there are several presentments or indictments for the same character of offence, have the right to consolidate and plead to the same as if there were one presentment or indictment, have directed me to report the following bill:

A bill No. 10, amendatory of the act entitled an act relative to crime and punishment, approved Feb. 10, 1831.

Ordered to a second reading on to-morrow.

Mr. Thompson of L., also reports:

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of Joshua Giffing, praying a change of venue in certain cases now pending and undetermined against him in the circuit court of Monroe county, have had the same under consideration and have directed me to report the following bill:

A bill authorizing a change of venue in certain cases therein named.

Ordered to a second reading on to-morrow.

Mr. Thompson of L. of said committee now reports:

Mr. PRESIDENT—

The committee on the judiciary to whom was referred the resolution of the Senate, instructing an inquiry into the expediency of requiring prosecuting witnesses to pay costs in cases of misdemeanors, where there is a failure of conviction, have had the subject under consideration and have instructed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were discharged from the further consideration of said resolution.

Mr. Thompson of L. of said committee further reports:

Mr. PRESIDENT—

The judiciary committee to whom was referred the resolution of the Senate, directing an inquiry into the expediency of prohibiting individuals and corporations from collecting, by law, debts due them, in specie, from this time until the expiration of three months after the State Bank of Indiana and its branches shall have resumed specie payments for their notes; and also the resolution of the Senate directing an inquiry into the expediency of providing by law that the State Bank of Indiana shall not have power to sue for or collect any moneys loaned in the state, until the bank shall resume specie payments, submit the following report:

The committee regard each of these resolutions as embracing principles entirely assimilated, and which, in the conception of the committee, have been long since adjudicated upon and conclusively settled.

The Constitution of the United States, in the first clause of the tenth section of the first article thereof, provides that "no state shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make any thing but *gold and silver coin* a tender in payment of debts; pass any bill of attainder; *ex post facto law*, or law impairing the obligation of contracts; or grant any title of nobility."

Upon the first branch of the first resolution, which relates to a prohibition of the collection of debts in specie, it cannot be necessary to detain the Senate, the Constitution having settled it, beyond cavil or dispute, that nothing but "*gold and silver coin*" shall be a "*legal tender in payment of debts*." Nothing appears more manifest to the committee than that, if a law were passed upon this branch of the resolution, it would be a clear violation of the paramount law of the land—the Constitution of the United States.

The second branch of the first and the whole of the second resolution embrace but one principle—a principle retrospective in its character. There can be no doubt but that a State may pass laws limiting or extending the time for the collecting of prospective debts, and in the exercise of that power, our replevin or stay laws were enacted; but in no instance has she the power to pass a law acting retrospectively upon debts already contracted, either affecting the remedy of the creditor, the time of payment, or the "obligation of the contract," by which the liability was created.. (*Sergeant's Constitutional Law*, 363.) A State may pass usury laws, operating upon future contracts. (*Farmer and Mechanics' Bank vs. Smith*, see *Wheaton's Reports*, 131.) But she cannot deviate a contract from its terms, by postponing or accelerating the period of performance which it prescribes, imposing conditions not expressed in the contract, or dispensing with the performance of those which are, however minute or apparently immaterial in their effect upon it. The exercise of this power would be clearly a violation of the Constitution of the United States—for it would "*impair the obligation*" of the contract. (*Donaldson vs. Harvey*, 3 *Haw. and McHenry's Reports*, 12.)

In support of the principle assumed by the committee, they refer the Senate to the following adjudicated cases:

The legislature of North Carolina, in 1812, passed an act declaring that any court, rendering judgment against a debtor between the 31st of December 1812, and the 1st February 1814, should stay the execution, until the first term or session of the court after the latter period, upon the defendant's giving two freehold securities. This law, by the Supreme court of that State was held to be contrary to the clause of the Constitution, which the committee have quoted above, and declared void. (*Crittenden vs. Jones*, 5 *Hall's Law Journal* 520.—*Grimball vs. Ross*, 2. *Hall's Constitutional Law Journal* 93.—*Golden vs. Prince* 2, *Hall's Law Journal* 507.)

The Legislature of Missouri enacted that proceedings should be stayed for two years and a half on execution, whereon the plaintiff should not endorse that he would take property in payment, at two thirds of its appraised value, and requiring that when this was done,

and the defendant had given bond with security for the payment of the debt, or pledged real property therefor, that the Sheriff should release the person or property taken in execution. (*Sergeant's Constitutional Law*, 364.) This act was decided by the Courts of Missouri to be a violation of the Constitution of the United States, because it *impaired the validity of a contract*, and required "property" payment for a debt, when the constitution positively forbids that any thing but *gold and silver coin* should be a *tender in payment of debts*. (Glasscock vs. Steen, Circuit Court of the county of St. Louis; also *Sergeant's Constitutional Law*, 364 note (K).)

The Legislature of Kentucky, in 1820, during the excitement which prevailed in that State, consequent upon the derangement of her currency, passed an act, permitting a plaintiff, on issuing execution upon his judgment, to endorse thereon that he would take paper of the Bank of the Commonwealth, or of the Bank of Kentucky, in discharge of it, and providing that if he failed to make that endorsement, the defendant might replevy or stay the debt for two years. In addition, this act provided that no execution should issue upon any judgment within ten days after the end or term of the court at which judgment should be rendered, within which time, if the plaintiff failed to make the necessary endorsement with the Clerk, the defendant was permitted to enter into a recognizance for the payment of the money in two years. Cases arose under this law, upon motions to quash the recognizances thus taken, and the inferior courts held that the law was unconstitutional. This opinion was sustained by the court of appeals of Kentucky, the opinion of the Court being, that the legal obligation of a contract, within the meaning of the constitution, consists in the remedy given by the law to enforce its performance. (*Sergeant's Constitutional law*, 365, text and note (L).)

In another case, which the committee quote from the work of that distinguished writer upon constitutional law, Thomas Sergeant, a *fiery facias* had issued after the passage of this act, upon a replevin bond, in which the defendants had, prior to the passage of the act, stipulated to pay to the plaintiff, in one year, the amount of an execution which had previously issued against two of them in favor of the plaintiff, upon a judgment obtained by him against them in an action on their bond. The Sheriff returned to this *fiery facias*, levied and replevied, and returned a replevin bond conditioned to pay the debt and costs within two years. A motion was made in the court below to quash the last replevin bond, which was overruled, but on appeal, the Court of Appeals reversed the judgment of the court below, and remanded the proceedings with directions to quash the last replevin bond, holding the law, authorizing the bond, to be a violation of the Constitution of the United States. And in this case (*Lapsley vs. Brasher*) Judge Mills, a very distinguished jurist, held, that *future* as well as *past* contracts were within the clause of the Constitution, quoted by the committee, but the committee would not be understood as urging the correctness of this opinion upon the Senate, inasmuch as they have not been enabled to find it sustained elsewhere.

The committee think it unnecessary to quote other authorities to sustain their position; it must be apparent to the Senate that a contract

made under our laws as they now exist, must be enforced by those laws. The law now in force in this State, and under which all bank debts, and perhaps the most of others now due, were contracted, giving a stay of execution for thirty, eighty, ninety, one hundred and twenty, one hundred and fifty and one hundred and eighty days, regulated by the amount of each debt, any act of the Legislature, extending those times, so as to operate upon those debts, either by extending the time for their payment or postponing the time for commencement of suit, would be most clearly, a violation of the spirit and letter of the Constitution of the United States.

Entertaining these opinions, the committee have directed me to report, that it is inexpedient to legislate on the several subjects embraced in said resolutions, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. PRESIDENT—

The committee on the judiciary to whom was referred the resolution of the Senate, instructing that committee to give their opinion of the constitutional difference between passing a law to extend the stay of execution on debts contracted previous to this time, and passing a law that shall release all debtors from the payment of all debts for a given time, and whether either or both may or may not be considered *ex post facto* laws, have directed me to report—

That they cannot readily distinguish between the legal character of a law extending the stay of execution on debts now due; and a law releasing debtors from payment for a given time, unless it be that the one affects the debt after judgment, and the other postpones the time for the commencement of suit. In either case, their is an exercise of a power forbidden by the constitution of the United States, in the first clause of the 10th section of the first article thereof, because it impairs the obligation of the contract which created the liability to pay.

As it regards the last clause of the resolution, the committee have only to remark that, neither enactment would amount to an *ex post facto* law; the prohibition in the constitution in relation to the passage of a law of that kind, being intended to apply exclusively to criminal or penal cases, and not to civil cases. An *ex post facto* law consists in declaring an act penal or criminal, which was innocent when done; or raising the grade of an offence, making it greater than when it was committed, or changing the punishment after the commission of the offence, making it more severe than when it was committed; or altering the rules of evidence, so as to allow different or less evidence to convict the offender, than was required when the offence was committed. This opinion of the committee may be found sustained in the case of *Calder vs. Bull*, 3 Dallas' Reports, 486, and in *Sergeant on Constitutional Law*, pages 356-7: but the committee has been unable to find any principle or decision recognizing the opinion that *ex post*

facto laws pertain to contracts. Indeed, if a law impairing the obligation of contracts were an *ex post facto* law, the fact of finding each of those expressions in the constitution of the United States, would raise a presumption that the framers of that instrument were unable to distinguish between them; a presumption not warranted by their own or the character of the instrument itself.

On motion of Mr. Morgan,

Resolved, That the select committee appointed to compile the Standing Rules of the Senate, and Joint Rules of the two Houses, shall, previous to the printing of said rules and joint rules, report the same to the Senate, recommending such amendments to the standing rules of the Senate as the committee may deem necessary; and

On motion of Mr. Morgan of Rush,

Mr. Thompson of L. was added to said committee.

On motion of Mr. Puett,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing so much of the 39th section of the laws of 1831, (governing "courts probate,") as relates to the disposing of the real estates of infants, &c. for the purpose of re-investing the proceeds of such estates.

The following message was received from the House of Representatives, by Mr. Thompson, their member:

MR. PRESIDENT—

The House of Representatives have passed a memorial and joint resolution of the House, No. 14, "a memorial and joint resolution relative to the Wabash and Erie canal," in which the concurrence of the Senate is respectfully requested.

The "memorial and joint resolution" was by consent read a first and second time, and the rules of the Senate being dispensed with, it was read a third time now—the question then being on its passage—and the Senate decided in the affirmative.

Mr. Brady moved the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of reporting a bill providing for an increase of the *per diem* compensation of grand and petit jurymen, and that of associate judges, to such an amount as shall be reasonable and just.

Mr. Thompson of P. moved to amend, by inserting the word "witnesses," which was agreed to.

The question then recurring, "shall the resolution be adopted?" and the Senate adopted said resolution.

On motion of Mr. Stewart,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing all laws now in force inflicting the punishment of death, and substituting in lieu thereof solitary confinement in the State prison, with leave to report by bill or otherwise.

Mr. Finch offered the following resolution:

Resolved, That the secretary of State be requested to make out and furnish to the public printers of the Senate, a complete index of the journals ordered to be printed by the Senate, for which he shall be allowed the same compensation as was allowed the secretary of State for indexing the journals of last session; which was by consent laid on the table.

Mr. Thompson of J. offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the propriety of repealing an act to amend the several acts regulating the jurisdiction and duties of justices of the peace in the several counties therein named, approved Feb. 7th, 1835, so as to make the jurisdiction and duties of justices of the peace uniform throughout the state, with leave to report by bill or otherwise.

Mr. Thompson of L. proposed the following amendment:

And that said committee inquire into the expediency of making the jurisdiction of the justices of the peace co-extensive with each county.

Mr. Clark moved the following amendment to the amendment:

To strike out all after the word expediency and insert as follows:

Of limiting in all civil cases the jurisdiction of justices of the peace to their respective townships.

The question on striking out being put, the Senate decided in the affirmative.

The question then recurring on the amendment to the amendment; which being put was decided in the negative.

Mr. Dunning moved to strike out all that part of said resolution after the words 1835; and,

On motion of Mr. Thompson of P. said resolution was laid upon the table.

On motion of Mr. Morgan of R.,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of transferring the probate business to the presidents of the circuit courts, and fixing the compensation of said president judges for such extra service within the amount now paid to probate judges.

On motion of Mr. Dunn,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so changing the criminal law as that capital punishments in future shall not be public.

The following resolution was offered by Mr. Cole:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of amending the law relative to the mode of doing county business, in such a manner as to have it done uniformly throughout the state, with leave to report by bill or otherwise.

Mr. Thompson of L. moved to amend as follows:

By inserting county commissioners;

Which amendmend and resolution was adopted.

Mr. Ewing of the committee on enrolled bills now reports:

Mr. PRESIDENT—

The joint committee on enrolled bills, report that they did this day present to his Excellency the Governor for his approval and signature a bill of the following title, to-wit:

No. 3—An act legalizing certain proceedings in relation to certain school lands and school trustees in Lawrence county.

On motion of Mr. Kennedy,

Resolved, That the judiciary committee be instructed to inquire into the expediency of repealing so much of an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, as requires a justice in any case to issue a scire facias against a replevin bail; and that the committee be requested to inquire into the expediency of requiring justices to give the 1st execution on all judgments rendered by them against the judgment debtor and replevin bail jointly, noting in said execution that it shall be the duty of the officers to make the money demanded in the execution out of the property of the judgment debtor if the same can be done; on default of which, he shall make the same out of the goods of the replevin bail.

On leave being granted, Mr. Thompson of L. introduced

A Bill No. 5, making an appropriation of part of the 3 per cent. fund in Lawrence county;

Which was read a first and second time by consent; the rules of the Senate being dispensed with, it passed to a third reading now; and on the question shall the bill pass, the Senate decided in the affirmative.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

In conformity to the resolution of Mr. Clark, the Senate resolved itself into a committee of the whole on the Governor's message, Mr. Thompson of L. in the chair, and after some time spent therein, the President resumed the chair, and Mr. Thompson of L. reported that the committee had, according to order, the same under consideration, and had adopted the following resolutions, in which the concurrence of the Senate is requested, to-wit:

1. *Resolved*, That so much of his Excellency the Governor's message as relates to the State Bank, be referred to the committee on the State Bank.

2. *Resolved*, That so much of the Message of the Governor as relates to assessing and collecting the revenue of the State, incomplete assessments, and deficiencies in the quantity of lands, returned from many counties, compared with preceding years, be referred to the committee of Ways and Means.

3. *Resolved*, That so much of the Governor's Message as relates to the operations on Canals, M'Adamized, and Rail Roads; also at the rapids of the Wabash, be referred to the standing committee on Canals and Internal Improvements.

4. *Resolved*, That so much of the Governor's Message as relates to the selection of Michigan Road Lands, the sale of the same, and the application of funds arising from the sale of said lands, to the improvement of said Road, be referred to a select committee.

Resolved, That so much of the Governor's Message as relates to the Lawrenceburgh Rail Road, and the surrender of the Company's charter to the State, be referred to the standing committee on canals and Internal Improvements.

6. *Resolved*, That so much of the Governor's Message as relates to a Geological Survey, be referred to the standing committee on Ways and Means.

7. *Resolved*, That so much of His Excellency's message as relates to patronizing Mr. Cotton's Map, be referred to the standing committee of the State Library.

8. *Resolved*, That so much of the message of the Governor as relates to the 3 per cent. fund be referred to the standing committee on roads.

9. *Resolved*, That so much of the Governor's message as relates to the fund commissioners, and their mode of depositing and keeping such funds, as they from time to time obtain for Internal Improvement, and the pay of said commissioners, be referred to the standing committee on the Canal Fund.

10. *Resolved*, That so much of the message of the Governor as relates to the depositing the Surplus Revenue of the United States, with the several States, and the failure to deposite the 4th instalment with the several States be referred to the standing committee on Canals and Internal Improvements.

11. *Resolved*, That so much of the message as relate to the building of fire-proof houses for the public offices and archives of the State, be referred to the committee on Public Buildings.

12. *Resolved*, That so much of the Governor's Message as refers to the Fort Wayne and Lake Michigan Canal, be referred to the committee on Canals and Internal Improvements.

13. *Resolved*, That so much of the Governor's Message as relates to the appointment of Pilots at the Falls of the Ohio, be referred to the committee on Roads.

14. *Resolved*, That so much of the Governor's Message as relates to the New Albany and Vincennes Turnpike Road preparing the metal for the completion of said work, be referred to the standing committee on Canals and Internal Improvements.

15. *Resolved*, That so much of the Governor's Message as relates to the increase of business of the Judicial Circuits, be referred to the committee on the Judiciary.

16. *Resolved*, That so much of the message of the Governor as relates to Saline Lands, the sales thereof, and the imperfections of the

system, as suggested in the message, be referred to a select committee.

17. *Resolved*, That so much of the Message of the Governor as relates to the State college at Bloomington and the establishment of a State University, be referred to the standing committee on Education.

18. *Resolved*, That so much of the Governor's message as relates to the State Prison, be referred to the committee on the State Prison.

19. *Resolved*, That so much of the message of the Governor as relates to the Tippecanoe Battle Ground, and its enclosure, be referred to the standing committee on Military Affairs.

20. *Resolved*, That so much of His Excellency the Governor's Message as relates to the extension of the Northern Canal, with a view to an intersection with the Michigan and Illinois Canal, be referred to a select committee.

21. *Resolved*, That so much of the Governor's Message as relates to the Michigan Road be referred to the committee on Canals and Internal Improvements.

Ordered, That Messrs. Baird of St. Joseph, Ewing, and Walker be the committee on resolution No. 4. Messrs Vawter, Thompson of P., and Watt of Union, committee on resolution No. 16; and Messrs. Ewing, Cathcart, Baird of St. Joseph, Crawford and Dunning the committee on resolution No. 20.

Mr. Cathcart introduced a "memorial and joint resolution, (No. 6,) of the General Assembly of the State of Indiana, in relation to the harbor at Michigan city;" which being read a first and second time by consent, the rules of the Senate were further dispensed with, and it passed to a third reading now.

The question then recurring, "shall the memorial and joint resolution pass?" and the Senate decided in the affirmative.

Mr. Moffitt introduced "a bill (No. 7,) for the prevention of injuries to the National Road in Indiana."

Ordered to a second reading on to-morrow.

Mr. Bowen introduced "a bill (No. 8,) to appropriate a part of the Three per Cent. Fund in Fountain county."

Which being read a first and second time by consent, the rules of the Senate were further dispensed with, and was read a third time, and passed.

Mr. Finch introduced "a bill (No. 9,) to incorporate the West Delphi Bridge Company;" which being read, was referred to the standing committee on corporations.

The following message was received from the Governor, by his private secretary, Mr. Maguire—

MR. PRESIDENT—

I am requested by the Governor, to inform the Senate that he did, on this day, approve and sign an act, which originated in the Senate, entitled

An act legalizing certain proceedings in relation to certain school lands, and school trustees in Lawrence county.

On motion of Mr. Brady, the communication of the Governor, relative to the nomination of supreme judges, was taken from the table, and the Senate, with closed doors, took up the nominations severally for consideration.

Mr. Daily offered the following resolution:

Resolved, That the Senate do advise and consent to the nomination, of the Hon. Charles Dewey, as one of the judges of the supreme court of Indiana. The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Baird, Beard of M., Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Kennedy, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Terman, Thompson, of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D., Watt of U. and Vawter—46.

So said resolution was adopted unanimously.

Ordered, that the Governor be informed thereof.

Mr. Brady offered the following resolution:

Resolved, That the Senate do advise and consent to the appointment of Isaac Blackford, as one of the judges of the supreme court of Indiana. The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Kennedy, Little, Mitchell, Moffit, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Terman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D., Watt of U. and Vawter.—46.

So said resolution was unanimously adopted.

Ordered, that the Governor be informed thereof.

Mr. Vawter introduced the following resolution:

Resolved, That the Senate do advise and consent to the nomination of Jeremiah Sullivan, as one of the judges of the supreme court. The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Beard of M., Bowen, Casey, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Green, Little, Morgan of D. Mount, Smith, Stafford, Stanford, Stewart, Thompson of J., Thompson of L., Thompson of P., Trask, Walker, Watts of D. and Vawter.—25.

Those who voted in the negative were,

Messrs. Bell, Bradbury, Brady, Cathcart, Chambers, Daily, Dobson,

Dunning, Ewing, Finch, Hacket, Kennedy, Mitchell, Moffit, Moore, Puett, Sigler, Terman, Tuley and Watt of U.—20.

So said resolution was adopted.

Ordered, that the Governor be informed of the adoption thereof.

On motion, the Senate adjourned.

WEDNESDAY MORNING, DEC. 13, 1837.

Senate assembled.

Mr. Ewing presented a petition of Samuel Sperry and others, praying the General Assembly "to legalize the proceedings of the assessor from Fulton," &c. Referred to a select committee composed of Messrs. Ewing, Cathcart, and Green.

Mr. Trask presented a petition of Morton Jones and others, relative to a state road leading from Andersontown to Marion, in Grant county, &c. Referred to a select committee composed of Messrs. Trask, Bell and Cole.

Mr. Ewing presented a petition from C. Vigus and others, praying a location of a state road from Logansport to Noblesville in Hamilton county.

Referred to committee on roads.

Mr. Thompson of L., presented three several petitions on the same subject from Edward Edwards and others praying a vacation of the state road leading from Bono to Bedford.

Referred to a select committee composed of Messrs. Thompson of L., Daily, and Crawford.

Mr. Beard of M., of the committee on roads reports,

MR. PRESIDENT—

The committee on roads to which was referred the petition of Jacob Ruple and others praying the location of a state road from Jamestown in Elkhart county, by way of Plymouth, in Marshall county, to the Fort Wayne state road, near Jacob Burket's, in St. Joseph county, have had that subject under their consideration and directed me to report the following bill, entitled

A bill No. 10—to establish a state road from Jamestown, in Elkhart county, to Plymouth in Marshall county and to the "Fort Wane state road near Jacob Burkets in St. Joseph county,"

Which was read a second time by consent and referred to a select committee, composed of Messrs. Crawford, Baird of St. Joseph, and Colerick.

Mr. Dunning from the select committee appointed for that purpose now reports:

MR. PRESIDENT—

The select committee to which was referred a bill entitled

A bill to provide for the division of the 7th and the formation of the 10th judicial circuit, and for other purposes, have had the same under consideration and are of opinion, upon a full investigation of its provisions, that the bill should pass and have instructed me to report the same back to the Senate without amendment.

On motion the Report and bill were laid on the table.

On motion of Mr. Crawford,

Resolved, That the Governor be requested to lay before the Senate any communication that he may have received from the Governor of the State of Illinois relative to the continuation of the Buffalo and Mississippi rail road in or through the state of Illinois.

On motion of Mr. Smith,

Resolved, That the committee on canals and internal improvement be instructed to inquire what means shall be employed, and what mode of improvement shall be adopted for the further improvement of the Michigan road, so as to secure usefulness to the public, and save to the State the great amount of public money expended on that extensive and usefull thoroughfare, running as it does from north to south through the entire extent of the State, with leave to report by bill or otherwise.

On motion of Mr. Walker,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of aiding in some way or other, the Lawrenceburgh and Indianapolis rail road company, either as named by the Governor's message, or by the state taking a part of the stock.

Mr. Baird of St. Joseph, moved the following resolution:

Resolved, That the committee on roads be instructed to inquire into the expediency of requiring supervisors of roads to call out the hands (now required by law) each year to improve the said roads so as to perform labor upon the same any number of days not exceeding six in each year for each hand; and also into the expediency of making it an indictable offence, in case of any failure on the part of supervisors to keep the public roads in good repair, subject to a fine upon conviction thereof, of dollars, with leave to report by bill or otherwise.

On motion of Mr. Tuley, said blank was filled with twenty-five.

The question then being put on the resolution, it was adopted.

On motion of Mr. Stanford,

Resolved, That the committee on roads be instructed to inquire what amendment, if any, is necessary to make the practice of supervisors of roads uniform under the 49th section of an act entitled an act for opening and repairing roads and highways, approved Feb. 10, 1831.

On motion of Mr. Tuley,

Resolved, That the committee on roads be instructed to inquire into

the expediency of repealing an act to amend an act to regulate the mode of doing county business, approved Feb. 7, 1835, or so much thereof as relates to supervisors of roads.

On motion of Mr. Mount,

Resolved, That the committee on ways and means be instructed to inquire into the expediency of so amending the laws providing for the sale of canal lands, approved Jan. 20, 1830, and all laws amendatory thereto in the following particulars, to-wit: That when any person or persons shall have incurred a forfeiture for the non-payment of the interest in advance as required by existing laws, which shall not have been already sold, in pursuance thereof, the commissioner whose duty it is to receive the same shall be directed to charge such delinquent fifteen per cent. penalty and at the rate of twenty five per cent per annum interest, and that no forfeiture shall be incurred until after the expiration of 3 years after such delinquency on lands; hereafter as well as heretofore subject to forfeiture under existing laws; and that they further inquire into the expediency of permitting any person or persons indebted for said lands to pay to such commissioner at the time of paying the interest any part of the principal to be placed to the credit of such purchaser; and that they further inquire into the expediency of taxing said canal lands, and report by bill or otherwise.

On motion of Mr. Brady,

Resolved, That the standing committee on roads be instructed to inquire into the expediency of reporting a bill providing for a more efficient method of improving the public highways, and at the same time less expensive to the country.

On motion of Mr. Daily,

Resolved, That the Secretary of State be respectfully requested to lay before the Senate, the semi-annual reports of the superintendent of the state prison, if such reports be made in accordance with the 6th and 7th sections of an act for the regulation of the state prison; also all other information, if any, in his possession connected with the government of said prison.

On leave being granted, Mr. Ewing of the committee on that subject now reports,

A bill, No. 11—to legalize the acts and doings of Anthony F. Smith as assessor for the county of Fulton, for the year 1837, which was read a first and second time by consent; the rules of the Senate being further dispensed with, the bill was considered as engrossed, read a third time and passed;

Ordered, That the House of Representatives be informed thereof, and their concurrence requested.

Mr. Morgan introduced a joint resolution of the General Assembly of the State of Indiana, which was ordered to a second reading on to-morrow.

Mr. Crawford of the select committee on that subject, reports

That the select committee to whom was referred a bill to establish a state road from Jamestown, in Elkhart county, to Plymouth in Mar-

shall county, and to the Fort Wayne state road near Jacob Burket's in St. Joseph county, make the following report:

That they have according to order, had that subject under consideration, and have directed me to report the bill back with an amendment as follows: Strike out of the 1st section all after the word *county*, in the 5th line and insert the following: And also to locate and establish a state road from Jamestown, in Elkhart county, to the Fort Wayne State road near Jacob Burket's, in St. Joseph county: in which the concurrence of the Senate is respectfully requested;

Which amendment was concurred in, and the bill ordered to be engrossed for a third reading to-morrow.

Mr. Hacket, from the select committee, made the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of Jeremiah Coulter and others, praying the change of the name of the town of Middletown, in the county of Washington, to that of Claysville, have, according to order, had the said petition under consideration, and have instructed me to report a bill to change the name of said town as prayed for, to-wit:

A bill to change the name of the town of Middletown in Washington county to Claysville;

Which bill was ordered to a second reading on to-morrow.

Mr. Morgan of D., introduced a bill No. 16, entitled 'an act regulating the jurisdiction and duties of Justices of the Peace,' approved February 10th, 1831."

Ordered, to a second reading on to-morrow.

Mr. Crawford introduced a bill No. 17, entitled 'a bill to locate a state road from Bristol in Elkhart county via Middlebury, to the Goshen & Livia state road at or near Andrews' Lake in Lagrange county.

Ordered to a second reading on to-morrow.

Mr. Finch presented a bill No. 18, entitled 'an act to locate a certain state road therein named.

Ordered to a second reading on to-morrow.

The President laid before the Senate a report from the Board of Fund Commissioners.

Ordered to lie on the table and 200 copies of the same beprinted.

OFFICE OF THE BOARD OF FUND COMMISSIONERS, }
Indianapolis, 12th December, 1837. }

Hon. DAVID HILLIS,
President of the Senate:

You will please lay the enclosed report before the Senate, and
 oblige yours, &c. SAM'L HANNA, } *Fund*
 CALEB B. SMITH, } *Com'rs.*

OFFICE OF THE BOARD OF FUND COMMISSIONERS, }
Indianapolis, 11th Dec. 1837. }

To the General Assembly of Indiana:

The Board of Fund Commissioners in compliance with the duty imposed upon them by law, now present to the General Assembly a report of the loans negotiated since its last annual session, in pursuance of the requisition of the Board of Internal Improvement.

On the 20th June last they negotiated a loan with Messrs. Christmass, Livingston, Prime & Coster of the city of New York for \$30,000,—and between that time and the 1st October, they negotiated loans of the Morris Canal and Banking Co. of Jersey City, to the amount of \$2,000,000; for which they contracted to deliver transferable certificates of stock bearing five per cent. interest, dated July 1st, 1837, and payable in twenty-five years, at the office of the Morris Canal and Banking Co., at Jersey City, or at their agency in the city of New York; the whole of which were delivered, except \$500,000, which were not taken on the 4th instant.

Of the stock thus sold, \$430,000 were sold at par—\$400,000 at 2 per cent. premium—200,000 at 3 per cent. premium—1,000,000 at 2 per cent. premium, and one half the profit which may be made by the purchaser upon a re-sale, the aggregate premium upon

which is,	\$34,000
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Making the whole amount receivable upon the stock sold	2,064,000
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The premium on the whole, and the amount sold to Messrs. Christmass, Livingston, Prime & Coster, was paid for at the time of making the contracts, amounting to	64,000
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And the residue was made payable as follows, viz: Oct. 1837	230,000
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1st November 1837	350,000
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1st December, "	120,000
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On 1st Jan., February and March, 1838, each \$100,000	300,000
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On 1st April, May, June, July, August and September, 1838, each \$150,000	900,000
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On 1st October, 1837	100,000
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\$2,064,000

The whole amount drawing interest at the rate of 5 per cent. per annum, from the date of the bonus until drawn by the State.

\$380,000 of the above stock were sold on account of the Wabash & Erie Canal fund, and the residue upon account of the Internal Improvement Fund. The sums heretofore due have been promptly paid as the expenditures upon the public works required, and the balance will be drawn for according to the terms of the contracts.

In consequence of the general suspension of specie payment by the Banks during the last spring, and the consequent depreciation of paper, it became necessary for the Board on the 1st July last, to purchase specie for the payment of interest due upon that day upon the State bonds previously sold, for which they paid a premium of from 10 to 11 per cent. A refusal to have paid the interest in specie would have endangered greatly the credit of the State (hitherto so fair) and in all probability have prevented the success of any negotiation for loans during the present season. It cannot, however, be reasonably presumed that the necessity of paying a premium for specie will long continue to exist, as we have reason to hope that a resumption of specie payment by the banks will, in a short time, become general.

Of the sum of \$500,000 which was due from the Messrs. Cohens of Baltimore, for State bonds sold them in 1836, there now remains a balance in their hands, which including interest amounted on the 1st May last to \$298,000, and which at this time is not available. At the time the bonds were sold to the Messrs. Cohens, they were engaged in an extensive banking business, possessed a very fair credit, and were regarded as safe as any banking institution in the eastern cities. They also gave the Messrs. Joseph, of the city of New York as security for the payment of the money due the State, who were also considered entirely responsible for the amount of bonds sold. The drafts drawn upon them by the Board were promptly paid, until, sometime during last spring, when they suspended business, and refused further payments—the consequence resulting from the extensive pressure and general commercial embarrassment of the country, together with the previous failure of their securities.

Upon the receipt of the intelligence of the failure of the securities and the consequent embarrassment of the Messrs. Cohens, one of the members of the Board proceeded to Baltimore for the purpose of making arrangements to secure the amount due the State, and succeeded in securing assignments of the bonds of the Winchester & Potomac Rail Road Co. for \$44,000, payable 1st of May next, and bearing 6 per cent. interest; also stocks of the Baltimore & Ohio Rail Road Co., and of the Baltimore & Susquehanna Rail Road Co. on which had been paid the sum of \$78,880, and also an assignment of the interest of the Messrs. Cohens, in an attachment upon which the sum of \$25,000 will probably be realized. He also received a deed for three hundred and eighty-four lots on the Hudson river in the city of New York, upon which there is a mortgage for \$65,000, payable some time in the year 1839, the lots are generally estimated to be of a value greatly exceeding the amount of the mortgage, but the Board is not able to

say what amount could be realized from them. The Stocks and property were transferred as collateral security to the State.

The Board during the last summer commenced a suit against the Messrs. Josephs, in the city of New York, which is still pending. During the month of September, after suit was commenced against them, they executed to one of the Board, in trust for the State, a deed for forty-eight lots in Brooklyn, opposite the city of New York, and one hundred and eighty-two lots in the city of New York, which are estimated to be worth about \$150,000, but which are subject to a mortgage of about \$47,000. They have also assigned a mortgage upon property in Poughkeepsie for \$30,000, but this property having been before sold under a mortgage previously executed, will require about \$11,000 for its redemption. These deeds have been placed in the hands of a third person as escrows, to be returned if the Messrs. Josephs are not, within ninety days, released from their liability upon their bond to the State as security for the Messrs. Cohens. The Messrs. Cohens have also proposed to secure the further sum of \$65,000 if a release is executed to them.

The Board not considering themselves invested with power by law to compromise any claim of the State, or to execute a release to any of its debtors without full payment in money, have refused to close any arrangement with either the Messrs Cohens or Josephs, which shall release them from their liability to the State. They now present the subject to the General Assembly and would respectfully suggest the propriety of passing a law authorizing the board to compromise with the Messrs. Cohens & Josephs, and to execute a release to them upon the best terms they may be able to obtain; and to secure as far as practicable the interest of the State. Should this course be deemed advisable by the Legislature, it will be necessary, also, to give the Board power to pay off any incumbrances, taxes, or other claims due upon any property which may be transferred; and also to rent or sell the same as they may deem advisable, and to pay any installments which may be requisite upon stocks assigned. The Board confidently entertain the opinion that should the arrangement proposed be acceded to, it will ultimately secure the State against any loss. An early action upon this subject would be desirable, as the time within which the Board have the option of concluding the arrangement will shortly expire.

Deeply impressed with the importance of providing means to pay the interest accruing upon the State bonds without resorting to taxation to such an extent as may give room for complaint, the Board would respectfully recommend the creation of a sinking fund to aid in the payment of the interest and the gradual redemption of the principal. For the purpose of effecting this object, the premiums which have been received upon the state bonds heretofore sold, and those which may be hereafter received upon subsequent sales, together with such funds as the legislature may think proper to apply for that purpose may be placed in the hands of the Sinking Fund Commissioners already appointed, to be by them loaned out at a rate of interest to be

prescribed by law, and the accumulating interest to be again loaned until the fund shall reach an amount to be designated by the Legislature.

During the present year, the Board have issued bonds of the State to the Lawrenceburgh & Indianapolis Rail Road Company to the amount of \$121,000, which makes the whole amount issued to the company \$221,000. The law authorizing the issuing of the State bonds to the Company, requires the payment of the interest accruing upon them, by the Company, at some one of the Branches of the State Bank of Indiana. The interest of the bonds is payable at New York, and should the company pay the amount at either of the Banks in this State, the state must incur a loss of the exchange necessary to procure eastern funds. They would therefore suggest the propriety of requiring the Company to furnish at New York such funds as will be necessary to pay the interest.

The law above referred to gives the Board no authority to pay the interest accruing upon the bonds in the event of the Company failing to make the payments, and as it is necessary for the credit of the State that the interest should be punctually paid; this power should be given them.

An account of disbursement of money during the present year, together with a detail of the situation and state of the fund, is necessarily deferred to a future report after settlement with the Board of Internal Improvement.

Respectfully submitted,

SAM'L HANNA, } *Fund*
CALEB B. SMITH, } *Com'rs.*

The President laid before the Senate a report with accompanying map diagrams from David Dale Owen, Geologist of the State.

Ordered to lie on the table and 500 copies of the same be printed.

NOTE ACCOMPANYING SAID REPORT.

IN perusing Geological Reports, the general reader is often at a loss to comprehend much of the matter they contain, as they are couched in language familiar only to those who may have devoted themselves to scientific pursuits. It is, doubtless, difficult, and in some cases almost impossible, to describe scientific facts, without either employing scientific terms, or else entering into long and tedious explanations; yet the most important and practical among geological facts may be generally described in a plain and familiar manner. In this view the present observations on the Geology of Indiana are thrown into as popular and concise a form as possible, and the publication of more detailed scientific facts reserved for some future occasion, when the Geology of the country shall be farther developed.

*To the Honorable
the Legislature of Indiana:*

GENTLEMEN—

In fulfilment of my duty as Geologist of the State of Indiana, and in accordance with the instructions contained in an act, entitled "An act to provide for a Geological Survey of Indiana," approved February 6th, 1837, I have commenced a Geological Examination of our State, of which I beg to communicate to you the results, in the following

REPORT:

Before entering on the more immediate objects of this report, a few words in reference to the general character and principles of the Science of Geology, may not be useless nor out of place.

The Science of Geology, of comparatively modern date, is now universally conceded to be one, not of mere curious inquiry, but of vast practical utility. It indicates, not only to the closet philosopher a boundless field of conjecture whereon to erect theories of creation and systems of the world; but, to the manufacturer, the raw material, whence mineral riches are abundantly derived; and, and to the farmer, the means of improving soils that nature seems to have disfavored.

In older states, and more thickly settled countries, Science, going hand in hand with Commercial Enterprise, has already seized upon all the mineral riches that more immediately present themselves. Here, in our young state, comparatively untrodden by the footsteps of inquisitive Science, we have a rich and productive field, on which to imitate their enterprize, and rival their discoveries.

Even the imperfect survey which time has yet permitted, has amply established the fact, that our citizens often unconsciously tread over hidden stores of mineral riches, which, when the researches of science shall have brought to light, the enterprize of this age of improvement will quickly seize upon, increasing at once the fortunes of individuals and the resources of the state. The entire western portion of Indiana proves, on examination, to be rich in coal; and though our forests, in a measure, supply the place of this mineral, for the time being, the axe is busily at work among them, and the rapid increase of steam

power, calling incessantly for fuel, is thinning them out from year to year.

If it be argued, as it frequently is, that the researches of science are usually curious rather than profitable; I reply, first, that this greatly depends, in the case of Geology, upon the course pursued by the Geologist; and secondly, that many scientific questions and learned-sounding classifications, which at first sight appear to involve considerations of an abstract nature alone, do, in fact, lead to the solution of most practical and profitable problems.

I have considered it my duty, while surveying a country so new as ours, to remember, that a state just settling, is like a young man starting in life, whom it behooves to secure to himself a competency, before he indulges in unproductive fancies. I have considered it the most important object, to search out the hidden resources of the state, and open new fields of enterprise to her citizens. That object effected, time enough will remain to institute inquiries (which a liberal policy forbids us to overlook) of a less productive and more abstract character; inquiries which are interesting in a scientific, rather than a commercial, point of view.

Yet must it be borne in mind, that some of the more abstruse doctrines are essential to the successful prosecution of a search after mineral resources. It might, at first sight, appear, that a technical examination of the various geological formations in our state, of their relative superposition and inclination, and of the organic remains they contain;—it might seem to many, that such an examination held out little promise of productive result. Those who would thus decide, are not aware, or must have forgotten, that certain minerals are uniformly found in certain formations,—often in one formation only. When, therefore, the character of a formation is known, the Geologist can at once decide what minerals are likely to be contained within it, and what other minerals it would be useless to look for there. Thus, the peroxide of tin (tin ore) is never found except in a primary formation; while bog-iron ore occurs in the more recent alluvial and diluvial deposits. It would be equally a waste of time to look for the former in a transition formation, and for the latter in primitive rocks. Instances are numerous of great waste of time and money by those to whom these truths are not familiar. One occurs to me, in which the venerable Charles Carroll of Carrollton was, if my memory serve me, a party interested. It happened in Maryland, near Chesapeake Bay. The proprietor of the land chanced to see *lignite* scattered over its surface; and supposing it to be imperfect coal, he and several others sunk a shaft, obtained an

experienced practical miner from England, and expended upwards of twenty thousand dollars, in anticipation of large profits from a rich coal mine. A scientific gentleman living in the neighborhood, knowing that the formation in which they were at work was one in which coal is not found, endeavored, without success, to dissuade the projectors from their undertaking. They neglected his remonstrances; and, I need hardly add, that the search was wholly abortive, and that the expenses incurred proved a dead loss. The above example is the more striking, as the English miner, who came over with the most satisfactory recommendations as a workman of extensive practical experience, positively contracted to find a coal-bed at a certain depth.

Instances might be multiplied, in which appearances have, in a similar manner, deceived the unscientific observer. An aluminous slate, entirely unfit for fuel, occurs frequently in our state, which is continually mistaken for coal, because it resembles coal-shale, and burns for a short time when thrown on the fire.

Again, sulphuret of iron, of little value, is very frequently picked up as gold and silver ore, on account of its color and metallic appearance. Mica, too, is said to have deceived the avarice of the early settlers in Virginia;—the more readily, perhaps, that their imaginations were inflamed by the tales of countless riches amassed by the followers of Cortez and Pizarro, in the southern portion of the New World.

Hence the importance of accurate scientific research, and of a general examination of the various geological formations of the state.

But again: the age, and consequently nature and position, of the various members of the stratified formations, is best ascertained, not from the lithological character (mineral structure) of the rock, but from the occurrence or non-occurrence of the petrified remains of animals and plants, and by the particular nature of these remains. Hence the examination of fossil remains is intimately connected with the discovery of mineral riches.

Those unfamiliar with the science of Geology will better appreciate the foregoing, and more easily comprehend the observations contained in the body of the report, by giving their attention to the following brief remarks, containing the

LEADING PRINCIPLES OF GEOLOGY.

- When we examine the crust of our earth, with respect to the external appearance of its rock formations, we discover two marked and distinct classes of rock; one, formed out of layers of round stony particles, lying side by side, and frequently containing the forms of animals or plants, termed fossils or petrifications, impressed into their substance; the other, not made up of rounded component particles, but rather of angular chrystals, partaking more or less of regular geometrical forms, intruding one upon the other, and never imbedding organic remains. These, in geological language, are termed, the one *Stratified*; the other, *Chrystalline* or *Primitive* rocks. (See diagrams No. 1 and 2.)
- Distinction between Stratified and Chrystalline rocks.**
- Origin of Stratified and Chrystalline rocks.** The stratified rocks seem to have been deposited from water, at irregular intervals, throughout a long series of ages; while the chrystalline, closely resembling productions of the laboratory and workshops, formed by a gradual consolidation from a molten to a solid state, are believed to have had an igneous origin. These two classes of rocks have been respectively divided, for the sake of distinction, into several groupings or subdivisions, each of which has its own peculiar ores and minerals. The order of succession of the stratified rocks is represented in diagrams number 1 and 2.
- Grouping of the rocks.**
- Rule for the subdivision of rocks.** The subdivisions of the chrystalline rocks depend on differences in their mineral composition, while the lines of demarkation between the subdivisions of the stratified rocks are marked chiefly by decided differences in their imbedded fossils. This order of succession, in every known portion of our globe, is invariable: sometimes, indeed almost always, one or more of the groupings is wholly or partially wanting, but their order of succession is never inverted. Thus, the first group, if found at all, lies universally above all the others; the second, above all except the first; and so on to the end. This is the grand principle which guides the Geologist in his researches,—which enable him to say, "*Here* we may find gold; *here* lead;" and which teaches him to predict what layers of rock must be successively penetrated in boring to any great depth in the earth. But for this, all his researches would be in the dark, and his predictions could be at best but shrewd, and often erroneous, conjectures.
- Order of succession inva-riable.**
- The first, and uppermost, of these subdivisions is called the *alluvium*, and includes all deposits similar to river bottoms, produced by causes now in action. Of this we have extensive examples in our Western country, particularly near the mouths of large rivers.

The *second*, the *diluvium* or *erratic group*, consisting of deposits similar to the former, and separated from it by Geologists chiefly for convenience, is distinguished from the alluvion, inasmuch as its deposits have been accumulated at a more distant period, and by causes not immediately apparent, nor now in action. It is, in fact, the alluvion of former ages. A marked characteristic of this formation is the frequent occurrence of what Geologists call *boulders*—large detached masses of rounded rocks, familiarly known here by the names of *Nigger-heads*, *Grey-heads*, *Lost-rocks*, &c. This formation occurs extensively throughout Indiana, especially in the northern and prairie portion of the State: the excavations for the Central Canal north of Indianapolis are made altogether throughout it.

The *third*, the *tertiary*, formation, composed of alternating layers of fresh water and marine deposits, is chiefly distinguished from the two foregoing, by containing varying proportions of fossil remains of extinct species of animals; the proportion of these being much greater in the lower than in the upper portions of this group. Another difference worthy of remark is, that no remains of man or of his works are found occurring in this or any lower formation; these being confined to the most recent deposits.

The *fourth* great subdivision comprises the *secondary rocks*; which embrace a variety of groups, from the chalk to the new red sand stone. The green sand and marl, which occur in New Jersey and the western district of Tennessee, are the only members of this formation, the existence of which in this country has been positively ascertained. Imbedded in both deposits are numerous extinct species of marine shells, of which one, called the *Exogyra costata*, is, perhaps, the most characteristic and numerous.

The *fifth* is the bituminous coal formation. Repetitions of beds of sandstone, shale, seams of coal, clay, and iron stone, or argillaceous iron ore, and occasional beds of limestone, compose this group. The strata occupying the upper part of the Cumberland mountain, and those in the western part of this State, may be cited as examples of this group; at least, they correspond very closely with the true bituminous coal formation described by European Geologists.

The *sixth* is the mountain limestone; a series composed chiefly of various descriptions of fossiliferous limestones. It closely resembles the strata of Middle Tennessee and those found in the eastern part of this State.

The *seventh*, the *grauwacke series*, consists of masses of slaty or schistose rocks intermixed with limestone, usually lying much inclined. Of this group we have no example

Green sand, a member of the secondary formation.

The coal formation. Of the mountain limestone.

The Grauwacke series.

in Indiana; but it occurs in the Valley of East Tennessee and on the Alleghany mountains: it often ascends the western declivity of that range, and forms some of its highest peaks. No fossils occur below this group.*

The eighth, or non-fossiliferous group. The eighth is the non-fossiliferous group. It embraces all the lowest stratified rocks. These contain no organic remains, and approach in texture to the next class—the crystalline rocks. In fact, they appear to partake both of the nature of stratified and crystalline rocks, though generally ranked with the former. The North Carolina Gold region presents an example of this group.

It will be unnecessary to describe individually the groups of chrystalline rocks, as we shall have, at present, but little to say respecting them.

The stratified rocks fragments of the chrystalline. The stratified beds appear to be made up chiefly of fragments of the pre-existing chrystalline rocks, except, perhaps, the lime-stones, the origin of which is somewhat uncertain.

Average depth of the stratified rocks. Original position of the stratified rocks. The total average depth of the stratified rocks has been estimated, in Europe, at ten miles. They are supposed to have been originally deposited in horizontal position, one above another, as shown in the Diagram No. 1. Had the strata remained in this original horizontal position, we could, of course, have known but little of any but the uppermost layers; since the deepest mine is only about half a mile, and the highest cliffs or bluffs but little more. It

Inclination of the stratified rocks. will be easily perceived, however, that some great convulsion of nature, heaving up the inferior strata, and causing them to burst through or displace the superior, might produce an arrangement similar to that represented in Diagram No. 2; and thus the chrystalline and inferior stratified rocks would be found occupying the lofty and rugged mountain ranges; while the others would come in regular succession to the surface, flanking the mountain sides, and extending over the planes and inferior ridges,—the superior strata always being most remote from the primitive range. This, in effect, is what actually occurred in this country; for the Diagram No. 3 represents, in a general

*In the grauwascke and mountain limestone, the remains are extinct species and often extinct genera of marine animals; in the coal formation, chiefly extinct plants. In the secondary, specimens of the lizard tribe are first discernible; and in one of its groups, the oolite formation, one order of the class Mammalia—the *Marsupialia*,—has been found: its marine animals and plants still belong to extinct species; while in the Tertiary, the bones of other orders of fossil mammalia, and a certain portion of existing species of marine and fluviatile animals first occur. In none of these formations have the remains of man ever been found.

way, the order and relative position of the rock, along a line commencing at Terre-Haute, and running south-east-wardly towards that part of the Alleghany range which divides Tennessee from North Carolina. The crystalline and inferior stratified rocks are represented occupying the Alleghany range; the grauwacke, lying highly inclined, extending from the Alleghanies across the valley of East Tennessee, to near the base of the Cumberland mountain.

Lying unconformable,* on the upturned edges of the grauwacke, the mountain limestone is found near the eastern declivity of the Cumberland mountain, and extending through the base of that range of hills, making its appearance in the Sequachee valley, continuing on through Middle Tennessee and Kentucky, and the eastern part of this State, in comparatively a horizontal position, yet always partaking of a general slight undulating dip to the west or north-west.

Resting on the mountain limestone, we perceive the bituminous coal formation, occupying the summits of the Cumberland mountain. It succeeds and overlies the mountain limestone in the western part of our State.

It is a question whether the deficiency of the coal formation in the country intervening between the top of the Cumberland mountains and the central part of Indiana has been produced by the denuding action of powerful currents; or whether the two are distinct coal formations. I incline to the former opinion.

Thus we see each group may come in regular succession to the surface, and those strata originally deepest seated are heaved up into the loftiest peaks of the mountain ranges. It is only by such an arrangement that many of our valuable mineral deposits could have become accessible; since most of the metallic ores are confined to inferior strata. As it is, all the formations are presented to the geologist in different portions of our globe; and since, as before remarked, particular metals are confined to certain groups, highly important practical results are secured by a careful examination of the extent and localities of the various formations; and as a consequent, by the study of the imbedded fossils, the presence of which constitutes the most decisive evidence of the identity of geological strata.

This is a brief sketch of principles, upon which, as a basis, science is now engaged in raising a magnificent superstructure. Her efforts will not only bring to light hidden truths respecting the remote history of our ever-changing planet, but will assuredly facilitate practical in-

*Not in the same parallel plane.

vestigation, in which are intimately involved our political and commercial welfare.

Those who desire to follow up the subject are referred to De La Beche's "Geological Manual," to Buckland's "Bridgewater Treatise," and to the excellent elementary articles embodied in the sections on the Mineral Kingdom, in the "Penny Magazine."

PLAN OF CONDUCTING THE SURVEY.

Spring and
summer sur-
vey.

The geological survey, so far as yet conducted, has been of a general character, the object having been chiefly to gain a correct and connected idea of the whole, before spending much time in detailed examinations in any particular spot. With this view, the spring and summer survey was commenced by running a line from the mouth of the Wabash to the south-eastern limit of the State, passing through Posey, Vanderburgh, Warrick, Spencer, Perry, Crawford, Harrison, Floyd, Clark, Scott, Jefferson, Switzerland, and Dearborn counties, keeping as close to the meanders of the Ohio river as possible, in order to take advantage of the sections exposed on the bluffs along its banks.

Another line was then run through Ripley county to the town of Madison; from thence, a zig-zag line through Jennings and Bartholomew counties, to Columbus; thence, through Jackson, Washington, Orange, Lawrence, and Monroe counties, back to Columbus; thence, through Johnson and Madison counties, to Indianapolis, through Hancock, Rush, Fayette, Union, and Franklin counties, to Brookville; from Brookville, through Decatur and Shelby counties, back to Indianapolis; from Indianapolis again, through the corner of Hendricks and Putnam counties, to Putnamville; from Putnamville to the falls of Eel river and into part of Owen county; thence, through Vigo county, to Terre-Haute; from Terre-Haute, along the meanders of the Wabash, through Sullivan, Knox, Gibson, Pike, and Posey, back to the place of beginning: thus including, in these various lines, all the counties lying south of the National Road, except Greene, Daviess, Martin, and Dubois.

Fall excursion.

In my fall examination, I visited those southern counties which were not included in my spring and summer survey; namely, Greene, Daviess, Martin and Dubois.

I then proceeded north, with a view of discovering where the lines marking the limits of the formation, crossed the Wabash, and whether they continued on in the same northerly course in which I had traced them, as far as to the National road. With this view, I passed through

Parke, Montgomery, and the northern part of Fountain county, crossed the Wabash at Attica, and explored the country about Pine creek; recrossed the Wabash, and proceeded along its south-east bank to Lafayette, Americus, Delphi, and Logansport, thence along the Michigan road, to the crossing of the Tippecanoe; thence by Yellow river to Laporte and Michigan City. After making some examinations along Lake Michigan, I went to South Bend, Mishawaka, and a short distance into Elkhart county, intending to reach Fort Wayne, and return down the Wabash to Logansport; but being detained nearly a week in consequence of an accident, I was compelled to return by the shorter route along the Michigan road. From Logansport, I passed down the north side of the Wabash to Lafayette; thence along the Wea to Crawfordsville; thence to Spencer, and the junction of Eel and White rivers; and returned through Bloomfield, Washington, Petersburg, and Princeton, to New Harmony.

DETAILS OF THE SURVEY.

SUMMER SURVEY.

(SOUTH OF THE NATIONAL ROAD.)

Although, in many situations, it has been very difficult to obtain a view of the actual rock formations, on account of the many deep and extensive alluvial and diluvial deposits which have overspread and covered these sometimes to a great depth; yet sufficient was disclosed to determine satisfactorily the succession of the formations, and to point out the general course of the lines which mark their limits. In many cases, too, I had an opportunity of observing the characteristic fossils peculiar to the different strata, and of fully proving the fact, that the order of superposition is identical with that witnessed in many other, distant, parts of this western country; also, that the characteristic fossils of each series of strata coincide, in a very striking manner, with those found in the corresponding strata throughout these western States.

Satisfactory proof has also been obtained that the strata do not lie perfectly horizontal, although they may appear to do so when viewed over a small extent of country only;

Dip of the strata.

but that there is a slight general dip of the strata towards the west, or west north-west, is unquestionable; and not unfrequently they assume an undulatory direction. The whole strata, therefore, gently lean and roll towards the Alleghany range. Hence it is that, as we travel upstream towards the east, we successively reach older or inferior strata. Hence it is, also, that (if we leave out of view the alluvial and diluvial deposits,) the newest formation of Indiana,—the coal formation,*—it is to be found in the western portion of the State.

The first line run showed the following *succession of formations along the Ohio river*:

Extent of the coal formation along the Ohio river.

First appearance of the oolitic limestones, or uppermost members of the sub-carboniferous group.

Sub-carboniferous group of Indiana.

Along the Ohio river we find the coal formation, taken in the previously defined sense,† prevailing through the counties of Posey, Vanderburgh, Warrick, Spencer and Perry. At Oil creek, in Perry county, there comes to the surface the limestone, on which the coal formation rests; beyond this it gradually dwindles, and very soon disappears altogether. (See Diagram No. 3). The limestone which comes from beneath it at Oil creek, must be considered as the uppermost member of a new series or group of the stratified rocks. A succession of the various members of this inferior group is to be found prevailing until we reach the extreme western boundary of Ohio. (See Diagram No. 3).

To this group may with propriety be applied the name *sub-carboniferous*, as indicating its position immediately beneath the coal or carboniferous group of Indiana.‡

* It is important here to remark, that, by *coal formations*, is meant, not merely seams of coal; but a region in which coal occurs, associated, as it always is, beds of sandstone, shale, clay, and limestone.

† Until the geological examinations of this and other States shall have been carried farther, it would be, perhaps, somewhat premature to decide upon the identity of our bituminous coal formation with that of the eastern hemisphere; but that they coincide in many respects, both in their mineralogical character, geological position, and organic remains, is beyond a doubt.

‡ The fossils generally coincide closely with those of the carboniferous or mountain limestone of Europe; but as no perfect seams of coal have ever yet been observed alternating with these deposits in this country, and as most of its fossils differ decidedly from those of the coal formation, it would seem to preclude the possibility of including it, here at least, as some European geologists do their mountain limestone, in the carboniferous group.

The geologist of Tennessee, too, has discovered in it fossils belonging to the genus *Asterias*, which, in Europe, have never

In the bed of Oil creek, then, on the road from Troy to Fredonia, the coal sandstone may be found resting on a reddish stratum of a somewhat arenaceous limestone—the uppermost member of this sub-carboniferous group, and characterized by a fossil, described by Lesueur under the name of *Archimedes*, on account of its screw like form.* (See plate I. Fig. 2).

To facilitate description, it will be useful to observe certain sub-divisions of this sub-carboniferous group. The most important, are—

First,—The series of oolitic limestones.† They have received this name on account of some of their beds being formed of egg-shaped grains, like the roe of a fish. A section of this series may be observed in the bluff behind Leavenworth, Crawford county. They extend from Oil creek to near Indian creek. Its total thickness has not yet been ascertained, but it must considerably exceed one hundred and fifty feet.

The strata are composed chiefly of light colored limestones, which produce, by burning, a white lime. Thin seams of a siliceous nature occasionally are found in them; and they also frequently contain siliceous nodules, approx-

Sub-division of the sub-carboniferous group. Oolitic series of limestone belonging to the sub-carboniferous group.

Character of the oolitic series.

been formed in rocks older than the cretaceous or chalk formation; also portion of echinidians, supposed to be confined to epochs more recent than the new red sandstone, until Buckland, in his "*Bridgewater Treatise*," (note to p. 313,) mentions having observed fossil echinidians in the carboniferous limestone of Ireland.

Until these difficulties shall have been cleared up, I prefer designating it by the term *sub-carboniferous*, which merely indicates its position beneath the carboniferous group, without involving any theory.

* It is an important and remarkable fact, and one that was first pointed out to me by the present geologist of Tennessee, that whenever one finds in that State, limestones having an oolitic structure, or being made up of minute egg-shaped grains, and containing fossil *Archimedes* or *Pentremites*, (See plate I. figs. 1 and 2,) one may be sure that, if the coal formation exist, it will be found not far off, *resting on* these strata, but never beneath them.

Diligently and closely have I observed, ever since, whether this fact would hold good in other situations. In the course of my experience, I have never yet found an exception to it. Here, on the situation alluded to, on Oil creek, and about Little Blue creek, in Perry county, this important fact is beautifully illustrated.

† These limestones must not be confounded with the oolite formation, which is a group of the secondary rocks of much more recent origin.

imating to hornstone, chert, and even chalcedony. These being more durable than the imbedding limestone, are often found strewn on the surface, having fallen out from the disintegrating matrix.

This series often affords good building materials. The Putnamville building stone belongs to it.

Encrinital
strata.

Second.—A siliceo-calcareous series, with occasional beds of clay. These commence about Indian creek, in Crawford county, and prevail through Harrison and Floyd counties, as far as New Albany. The siliceous, or free-stone beds of this series are often of considerable thickness and of various degrees of hardness: sometimes of the nature of a burr-stone, having a very white, or occasionally a reddish color, as east of Corydon, and between Orleans and Lost river. Sometimes they pass into hornstone and chert, as at Lost river; again they appear as a fine grained and soft greyish sandstone, something resembling the tripoli or poliershiefer of the Germans; such are found on the knobs north of New Albany, and between Bloomington and Columbus. The growth of trees on these strata is peculiar, being almost entirely stunted oak. The form of the hills, too, where these sandstones prevail, is singular, being often conical like a hayrick.

Character of
the encrinital
strata.

This rock has been used occasionally for a building stone on some of the works on the National Road, and elsewhere in the neighborhood of Indianapolis; but very little of it, so far as I have seen, possesses sufficient durability for the purpose, as it will not withstand heavy pressure, nor even the action of the air and moisture. It should not be confounded with the sandstone of the coal formation, which is of a coarser grain, and generally contains more mica (often called isinglass;) but the distinguishing difference is, that the fossils in the coal sandstone are chiefly of vegetable origin; while those in this rock are marine, and belong particularly to the order Polyparies or Corallines.*

Their free-
stones not du-
rable building
materials.

In the limestones of this series, fossils belonging to the order Crinoideans or Encrinites (see plate II fig. 4, 5, 6, 7,) are particularly numerous; hence the series have been called by some the Encrinital strata. These limestones are to be found about Corydon and Salem.

*The genus *Gorgonia* of Goldfuss (see plate 2, fig. 2) is by far the most abundant, particularly in the burr-stone variety near Corydon; marine bivalves are also not uncommon. The cement of this rock is too fossiliferous to render it useful as a mill-stone. The detached portions of Encrinites generally seen, resemble button-moulds, and are therefore often so called in this country. In England they are sometimes called St. Cuthberts beads.

At the base of this series there occurs a very important stratum,—the *black bituminous aluminous slate*, which is to be seen, when the water is low, at the New Albany Ferry boat landing; also in Silver creek, between New Albany and Jeffersonville, and thrown out of the excavation of the canal at Louisville. I call it an important stratum, because this black bituminous aluminous slate resembles, both in its external appearance and chemical composition, the coal shale; and since it takes fire and burns for some time, owing to the presence of bitumen and sulphuret of iron, it is frequently mistaken for indications of coal, and even for coal itself.

Black bituminous aluminous slate.

Situation of the black bituminous aluminous slate on Ohio river.

Black bituminous aluminous slate taken for coal.

This same stratum I have seen in a variety of situations; as in the base of the Herpeth ridge and Paradise hill, 10 or 12 miles from Nashville; in the Cany-fork ridge, near the western declivity of the Cumberland mountain. In no instance have I ever found it associated with perfect seams of coal; and I have but little hesitation in asserting, that no true coal will ever be found associated with it in our section of country. This inference is the more important, since labor and capital have already been expended, even in our new State, in boring and digging for coal beneath this stratum, and, of course, without possibility of successful result, as far as my observation extends. It differs, too, from the coal-shale, in not containing vegetable impressions.

Boring for coal beneath the bituminous aluminous strata, always unsuccessful.

Beneath the bituminous-aluminous slate succeeds a long series, forming the inferior division of the sub-carboniferous group, occupying the whole country from Jeffersonville to the western boundary of the State of Ohio. They may be designated by the term *fossiliferous* series, as the petrifications, particularly in the inferior members, are more numerous here than in any of the beds above them. These correspond closely, both in their organic remains and geological position, with those described by the Geologist of Tennessee as occurring in the limestone about Nashville and a great part of middle Tennessee. The most characteristic fossils may be seen by referring to plates III. IV. V.

Fossiliferous and inferior strata of the sub-carboniferous group.

The bed immediately beneath the bituminous aluminous slate, is exposed, on the falls of the Ohio river below Jeffersonville, and contains numerous organic remains. It appears to prevail also towards the Bald-knob near the salt well east of Charleston, and in the neighborhood of that town and Lexington. The most characteristic remains are those represented in plate III.

Fossiliferous bed of the Ohio Falls.

Beneath this are a series of impure limestones; and amongst them, in some situations, the water lime, such as is prepared at the Louisville canal. Many of them are

Water line
and variega-
ted strata.

variegated with stripes of red, green, and bluish-grey.—Some are impregnated with bitumen and sulphuret of iron, which cause them to emit a foetid odor when struck or rubbed. Such are the beds found on the top of the high ground behind Madison, and between that place and Hanover. The rock excavations on the inclined plane of the Madison and Indianapolis rail-road are through these strata; and the Tunnel, if it should ever be carried into effect, would pass there through a stratum of a dark grey-color, having the bituminous character, tolerably soft, and becoming more so by exposure. It often contains fine rhomboidal crystals of carbonate of lime.

Many of the beds are extremely used as building material along the line of the Madison and Indianapolis rail-road.

Associated with them at the forks of the Muskakituck river, near Vernon, and on Big Sand-creek, about eight miles from that place, is a very fine variety of burr-stone. It is almost entirely made up of a collection of fossil polyparies or corallines, often encased in a sheath of drussic crystals of quartz.

Sand or burr-
stones.

This burr stone has been manufactured into mill-stones, which have been used for some years in many of our western mills: It proves to be of excellent quality; indeed, some of it is but very little inferior to the French burr; the cement, uniting together the particles of silex of the Sand creek stone, is not quite so tough as that of the French burr-stone; it therefore requires somewhat more frequent dressing.

The lowest or most easterly beds of limestone of this series alternate with beds of clay, and are vastly rich in fossils, particularly in marine shells and polyparies. (See plate IV. for the shells.) These limestones are generally of a blueish or brownish grey color, and very durable.—sufficiently hard to take a good polish, and affords a marble of beautiful appearance, presenting on its surface sections of numerous imbedded organic remains. These are the oldest of the stratified rocks of Indiana.

Diagram No. 4, representing a profile of the strata from the mouth of the Wabash to the south east corner of the State, gives a connected view of the strata as they occur in succession.

Having determined the succession of the geological formations, along the Ohio river, my next object was to ascertain, by means of the zig-zag lines which I run for that purpose, the general limits of the various formations throughout the southern part of the State.

My observations have not as yet, of course, been sufficiently extensive to point out the direction of these line

in all their meanders; and, indeed this never can be accomplished, until we shall have accurate topographical maps of the State, on which all the hills and ridges shall be carefully delineated. Their general direction, however, has been ascertained.

From Oil creek, the line of junction between the coal formation and oolitic limestones runs pretty nearly north, a little west of Paoli, Bedford, and Bloomington; thence it bears somewhat more to the west, near Spencer, and crosses the National road near Putnamville. Limit of the coal formations.

Since the strata, as has been mentioned, roll with the undulations of the country, patches of the coal formation occasionally make their appearance a little east of this line but it will never be found extending far beyond it; and, I think, in no instance beyond the second meridian.*

Thus the counties of Perry, Dubois, Martin, Greene, Owen, and all the counties lying west of them; besides some of the western portions of the counties of Crawford, Orange, Lawrence, Monroe, and Putnam, belong to our bituminous coal formation; hence, in all this district of country, beds of sandstone, clays, shale, seams of coal, and occasional patches of limestone are found prevailing.

The limestones of this carboniferous group are generally of a dark color, either gray or brown, containing sometimes crinoidea and marine bivalves. They are by no means extensive; indeed, it is doubtful whether there is any *universal* stratum of limestone occurring in these coal measures. For this reason, in the counties before mentioned, the inhabitants have, frequently, difficulty in procuring limestone for economical purposes.

The various strata which have been described as occurring east of this line, will be found prevailing in a northerly direction, in bands running from the Ohio river nearly parallel to the limits of the coal formation. Thus, about Fredonia, Leavenworth, Paoli, Orleans, Bedford, Bloomington, the Falls of Eel and Putnamville, the Limits of the strata forming the sub-carboniferous group.

* The extension of this line into Kentucky, I may add, seems to run south nearly as far as Bowlinggreen; then it sweeps round towards the west, keeping north of that town and of Russellville, Shakertown, Hopkinsville, and Princeton, re-crossing the Ohio below Golconda. It would not surprise me if this coal formation—as, indeed, these partial outlines seem to indicate—should lie in the form of an immense basin, as in most cases in Europe. It appears too, from what little observation I have been able to make in Illinois, that the greater part of that state is situated upon this same coal formation. In view of the large proportion of untimbered land found in the middle and northern portions of that state, the confirmation of this fact would prove of immense importance to her.

oolitic series exist. In Harrison, Floyd, Washington, and part of Jackson, Brown, Bartholomew, Johnston, Monroe, Morgan, and Hendricks counties, the encrinital strata are found. In the knobby portion of this district of country, the soft silicious strata of this series are the prevailing rocks.

Extent of al-
uminous
slate.

The aluminous state, which marks the limit between the encrinital strata and inferior fossiliferous series, extends through a great part of Clark, Scott, Jennings, Jackson, Bartholomew, Shelby, Johnson and, perhaps, part of Decatur counties, towards Indianapolis; but in this neighborhood, near the National road, the strata are so completely covered by a deep diluvium, that it is very difficult to detect the original strata. Even the deepest wells have not penetrated through this diluvium.

Extent of the
variegated
limestone.

The strata found at the top of the hills about Hanover run north by Vernon, Greensburgh, and Rushville through portions of Clark, Scott, Jefferson, Jennings, Decatur, Shelby and Rush counties; extending probably all through the dividing ridge between the waters of the Wabash and Ohio.

A remarkable feature in the physical geography of Indiana is, that the summit level of this dividing ridge approaches, north of Madison, within five miles of the Ohio river. It is this circumstance which renders the construction of a rail road near Madison so very expensive.

The fossils in these beds, except in the uppermost layers, such as occur at the Falls of the Ohio, are few, compared with those imbedded in the strata beneath them. Many-chambered shells are the most common, resembling in their structure the orthoceratite* often mistaken for petrified snakes, (see plate V. fig. 1.)

Use of build-
ing materials.

Some of the strata afford excellent building materials, but the selection requires discretion; since some of the beds, particularly those containing green earth and bitumen, are much disposed to decay and crumble when exposed to the disintegrating agency of air and water.

A silicious limestone, of a very porous texture, occupying the top of this series, and often in loose detached masses, when burnt, affords a lime which makes a very hard, durable, and excellent mortar. Since many of these strata are unfit for this purpose, and since that spoken of appears much like a burr-stone, and little suited to make

*An orthoceratite, in a rock belonging to this series, may be seen at the bridge over Flat Rock, on the great Michigan road, in Decatur county. It is imbedded in the stone, occupying the top of the south-west wall,—the third from the wood-work.

good lime, it is the more important that this circumstance should not be overlooked. The water cement which is found in the Louisville canal is procured from this series, and it is associated with the fossiliferous strata on the Louisville Falls; so also are those rocks employed for building the abutments of the bridge to be thrown over the Muskakituck river at Vernon.

The inferior fossiliferous strata which make their appearance in the lower part of the dividing ridge before mentioned, alternate with beds of clay; they prevail all east of this, even beyond the eastern limit of the state, through Switzerland, Dearborn, Franklin, Union, and the eastern part of Fayette, Ripley and Jefferson counties. These strata correspond in their geological position and organic remains, to those of Middle Tennessee; and, judging from observations made in the western part of Kentucky, I believe that they are, in fact, a continuation of the same formation which extends through the middle part of Kentucky.

Extent of the inferior fossiliferous strata of the sub-carboniferous group.

FALL SURVEY:

(North of the National Road.)

In proceeding north, on my fall survey, I passed through Greene, Daviess, Martin, and Dubois counties, and found them, as I had previously supposed, belonging to the coal formation. I also crossed the limit of the coal formation in four new points: two in Orange county; one in Monroe; one in Owen county.

On crossing the National road, I found the greater part of this northern country covered by a diluvium of sand, gravel, boulders and clay sometimes to a very great depth. For this reason, it was only at a very few points where I could obtain a view of the rocks belonging to the carboniferous and sub-carboniferous formations. I discovered, however, that the eastern boundary of the coal formation crosses the Wabash a little below Delphi,—shale having been struck in excavations for the canal both at Americus and a little below Delphi. The same stratum is to be seen in several places on Dear creek. There succeeds to it, what I believe to be the oolitic series of limestones; but I have not yet been able here to collect the fossils before described as most characteristic of these strata.

Extensive diluvium in the north.

Limit of the coal formation crosses the Wabash near Delphi.

North of this point I have not yet been able, on account of the diluvium, to get such a view of the rocks as to satisfy myself completely as to the continuation of the line. But from the appearance of the country, the composition of the soil, the nature of the diluvium, the debris along the

lake shore, a chemical analysis of the water, the growth of timber, and other indications, I have reason to believe that it continues on nearly in the same direction, beneath the diluvium, until it reaches the Michigan line, considerably east of Michigan city. The same is probably true of the other boundary lines. They all appear to run in their general course, parallel to one another more or less, in a northerly direction. These points require, however, further investigation; and it may perhaps be necessary that Geological researches be pushed into Michigan before the matter at issue can be positively determined.

So much, however, is certain, that the counties of Parke, Vermillion, Warren, Fountain, and the greater part of Tippecanoe and Montgomery, belong to the bituminous coal formation.

In the bed of Lake Michigan, at the southern extremity, there exists an extensive stratum of stiff, tenacious clay; yet, notwithstanding, the water is remarkably clear, so much so, that fish can be seen, in calm weather, at great depths.

Clay in the
bed of Lake
Michigan.

The rolling ridges, which form the southern boundary of the lake, are chiefly composed of a silices-calcareous sand, of much greater fertility than one would at first imagine. It is a remarkable fact, that this sand, taken even 30 or 40 feet below the surface, will produce excellent potatoes, water-melons, and pumpkins. I have been told, that when the country was first settled, even at the top of some of the sand-knobs, 60 or 70 feet in height, wild rye six feet high, and a rank growth of grass were to be seen.

In all probability, the stratum of clay of which we have spoken, extends beneath the sandy deposits which prevail for some miles back into the country. This would account for the lodging of so much water in numerous small lakes, wet prairies, and extensive swamps, about the Kankakee country. It is a question yet to be solved, whether this extensive stratum of clay belongs to the era of the bituminous coal formation, or to the more recent diluvium. (The accompanying map will give a general idea of the formations as they extend through the counties just described.)

Remarks on the Mineral Deposites, Soil, and Growth peculiar to the different Strata:

(SOUTH OF THE NATIONAL ROAD.)

It has already been stated, that the objects of the present survey have been general, rather than particular; but, when there was any probability of discovering a valuable deposit of iron, I instituted a more particular investiga-

tion in such localities; believing that a good iron bank is of more intrinsic value to the state, than a mine of gold or silver.

In two different situations, one near Mr. Williams' mill, on the waters of Doc creek, about two miles from Eel river, in Putnam county; the other, on the dividing ridge between the waters of Eel and White rivers, in Owen county, about three or four miles from Eel river, I discovered surface-ore of excellent quality. It is of that variety called by Mineralogists "*the compact hydrated brown oxide*;" and it is known to the manufacturer under the name of "*liver ore*." It is much of the same nature as that found in Middle Tennessee, between the Cumberland and Tennessee rivers.

A rough analysis of 100 grains of Eel river ore yielded:

Lesqui, or red oxide of iron	. . . . .	64.4
Water	. . . . .	16.0
Silica	. . . . .	4.0
Allumina	. . . . .	6.0
Loss	. . . . .	9.6

100.

This ore, at least the specimen examined, unlike most of the ores of the hydrated brown oxide, contains no manganese. This is an advantage, because the presence of this metal has a tendency to render the castings hard. The above ore, therefore, contains at least 44.5 per cent. of pure iron, and might be expected to yield 40 per cent. of metal in the foundry. The specific gravity of the ore varies from 2.9 to 3.5. This is considered a fair average in Tennessee. Details regarding the extent of this valuable deposit are given in an afterpart of this report.

Another deposit of iron ore, of considerable extent, occurs in the subcarboniferous formation, a little above the black bituminous aluminous state, in a ferruginous clay on a sub-branch of Silver creek near New Providence, Clark county. Some of this ore is rather of a peculiar mineralogical structure. It may with propriety be called a conglomerate ore, as it is made up entirely of an aggregation of coarse fragments of hydrated brown oxide. It will not produce as much as the Eel river ore, taking equal bulks of each,—although equal weights would probably yield nearly alike; it would be rather more easily reduced, or, in the language of the manufacturer, "work more kindly in the furnace." Its specific gravity is 2.6.

Ore near N.
Providence.

Another variety of ore is found in nodules in a stratum of clay near the same place: it is a carbonate of iron. Its specific gravity is 3.24. In Scotland, similar ore yields from 30 to 40 per cent. of iron.

These banks have been purchased by Mr. Barnett, of Louisville, who, I believe, proposes erecting iron-works near them.

Bog ore near
the National
road.

Two other deposites of the hydrated brown oxide have been examined; one on Mr. Lamb's land, on the waters of Fall Creek, in Marion county; the other, on Mr. Baker's land, on Sugar creek, five miles south of Greenfield. It is a bog-iron ore, occurring in a wet soil. Its specific gravity is 2.7.

The extent of these deposites has not yet been carefully investigated; they appear, however, to extend over several acres. On Mr. Baker's land, the hard ore was dug into at least four feet, and beneath it was found a considerable deposit of soft ore—a mixture of red and yellow ochre.

Numerous massess of the clay iron stone, much of the same nature as found on Mr. Barnett's purchase, have been discovered elsewhere, in beds of ferruginous clay, occurring both in the carboniferous and subcarboniferous group.

Ferruginous
sandstone on
the Iron Hill.

On the Iron Hill near Crooked Creek, 6 or 8 miles from Troy, a ferruginous sand stone occurs in the coal formation. This has been considered good ore by some: that on the surface is too much mixed with sand to be fit for working. Its specific gravity is 2.3. It is possible that, by digging, good ore might be struck. But I should think the prospects more encouraging if it were in the sub carboniferous formation, instead of being mixed with the sandstone of the coal formation.

I have not yet had time to make accurate analysis of these various ores, but intend undertaking them this winter.

A most valuable deposit of what is called by the Potters *marl*; but what, more properly speaking, is a clay slate, for it contains no carbonate of lime; has been opened at Troy, by Mr. Clue, from Staffordshire, England. This material when first excavated, is very hard; but by exposure to the air it soon crumbles and falls to pieces. When ground and worked up, it is employed for making fire-brick, and saggars, used for the support and protection of the pottery-ware while exposed to the intense heat of the kiln.

Fire brick are
to be made
for sale.

The entrance into the excavation made into this bed is close by the town of Troy: it has been carried into the hill side nearly on a level with high-water mark. A thin seam of coal rests upon it.

Mr. Clue, the manager of the pottery, informed me that he has bored in the floor of the passage ten feet into this clay, without finding its bottom; and since the passage it-

self is ten feet more, the thickness of the bed must be over twenty feet. Mr. Clue considers it the finest deposit of the kind he has ever seen. Imbedded in it are nodules of clay-iron-stone; and it often presents impressions of plants.

It was the existence of this deposit of clay slate, and the neighborhood of good coal on Deer and Anderson creeks, that chiefly influenced the Company of Potters lately formed at Louisville, to locate themselves at Troy, in Perry county. Pottery at Troy.

About forty English workmen have been brought out from Staffordshire, and extensive buildings have been erected. The first lot of ware was in the kiln when I visited the place in the month of June. Several good beds of clay have been discovered in the neighborhood by Mr. Clue, fit for the manufacture of stoneware. The finer materials, for porcelain or queensware are procured from the erroneously-called *chalk banks* on the Mississippi.

Several good seams of coal have been opened in different parts of the coal formation. At present, it will suffice to mention a few of them.

Two good seams are worked on Anderson creek, two or three miles from its mouth; the lower called Rhoades' bank; the upper, James' bank. The seams run nearly horizontally into the hill, 50 or 60 feet above the creek. They are rather thin, not being much over three feet; which renders it inconvenient working the coal, unless the miner be seated on a stool. In Europe, however, seams 22 inches, and even as low as 18, and 12 inches, have been worked by young men and boys. Coal near Troy.

The specific gravity of this coal is 1.27. It yields by analysis—

Volatile matter	45 grains
Coke and ashes	55 “

Coal	100 “
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100 grains of nitrate of potash required 28 grain of the coal to decompose it, which, according to the usual method of estimating the amount of carbon in the coal, would give 45 per cent of carbon in this coal; but I find that this method cannot be altogether depended upon, because the result varies not only with the expertness of the operator, but also with the fineness of the powder, the degree of heat employed, and the rapidity with which the experiment is conducted.

On Deer creek, near Troy, there is also good coal, some of it of the variety of *cannel* coal. These coals are used at the pottery, and are considered good.

On White river, 2 or 3 miles from Petersburg, several coal banks have been opened. The seams are upwards of six feet thick, and have a roofing of shale. The Coal on White river.

quality in some is pretty fair; but in other cases it is of too shaley a nature, and contains sulphuret of iron. Its specific gravity is 1.27; and an average specimen yielded—

Volatile matter . . .	46.6 grains
Coke and Ashes . . .	53.4 “
Coal	100. “

100 grains of nitrate of potash required 25.5 grains of this coal for decomposition; giving the amount of carbon 56.4.

Coal near
Terre-Haute.

Coal of a very superior quality is quarried seven miles east of Terre-Haute, about one mile south of the National Road. This seam is at least four feet thick; but being partly covered with water, its exact thickness could not be ascertained. The specific gravity of this coal varies from 1.24 to 1.3. It yields by analysis—

Volatile matter - - -	46.6 grains
Coke and ashes - - -	53.4 “

Coal - - - - - 100. “

100 grains of nitrate of potash required 25 grains of this coal for decomposition; giving as its amount of carbon 50.8.

Coal at Me-
rom.

Some good coal crops out of the bluff below Merom, covered with a very thick stratum of shale.

Soil over the
coal forma-
tion.

The soil over the coal formation is generally of a sandy nature. The growth is principally various kinds of oak, hickory, ash, poplar, walnut, dogwood, and red-bud. The whole country is gently rolling. By far the most prevalent growth on the subcarboniferous group, is beech, except in the knobs where the soft siliceous rock occurs: there the growth is stunted oak. The soil is sometimes of a deep red color, particularly where the white burr-stone is found, owing to the presence of a quantity of oxide of iron.

Soil over the
black slate.

In the soil of that district through which the black slate extends, clay predominates, giving it a stiff and retentive property. Beech growth is very luxuriant in such places.

Nature of the
soil over the
oolitic and
fossiliferous
limestone.

In the eastern part of the state, and the counties in which the oolitic limestone occur, the soil is calcareous, and admirably suited for the growth of grasses, some of the finest hay grown in Indiana being produced from these soils.

The bottoms are generally formed from the disintegration of a variety of rocks; and hence there is found in them a mixture of clay, sand, and limestone.

(NORTH OF THE NATIONAL ROAD.)

Most of the water in the northern part of the state, is highly charged with carbonic acid, and holds carbonate of lime in solution. Such waters, as soon as they come to the surface, gradually lose their carbonic acid, which acts as

the solvent, over the carbonate of lime, and a deposition of calcareous matter ensues, either as marl or calcareous tufa; this latter is found in some places in large quantities, and becomes for this country a most valuable material; for the limestone rocks, being covered to so great a depth by the diluvium, are not accessible; the inhabitants, therefore, are compelled to resort to the calcareous tufa, or the loose limestone boulders, for their supply of lime.

Mode in which calcareous tufa and bog iron ore are formed.

It is in a similar way that the deposits of iron ore, which we find here in marshes are formed.

Some of these ferruginous deposits prove to be very extensive. That at Mishawaka, near the St. Joseph river, is 50 or 60 yards wide, varies from 7 inches to 3 feet in thickness, and has been already traced for 5 miles. It is from this deposit that the Mishawaka furnace is supplied. It is the most compact bog ore I have ever seen: a great portion of it can only be raised with the assistance of iron wedges and crow-bars.

Extent of the Mishawaka

There are similar deposits on the Tippecanoe and Wea, where the ore is of good quality. Their extent has not yet been satisfactorily ascertained; but since they evidently have their origin in the same formation, crossing it in lines running nearly from north-east to south-west, parallel to one another, there is reason to hope that they may be productive.

Bog iron on the Wea and Tippecanoe.

On Pine creek, in Warren county, I have found large quantities of argillaceous iron ore. It originates in a dark clay slate, similar to that used at Troy for fire-bricks, and no doubt would be suitable for such a purpose; and associated probably with coal; for seams of coal crop out higher up the creek. From various inquiries which I have made, I expect to find similar ore on Coal creek, in Fountain county; on Sugar creek, in Parke county, and on the Vermillion, in Vermillion county; but these places I have not yet been able to explore.

Argillaceous iron ore and clay slate on Pine creek in Warren co.

PRACTICAL INFERENCES.

The practical and very important inferences from the foregoing report, may be summed up in a few words.

Three geological formations exist in Indiana: 1st, a bituminous coal formation, occupying that portion of the state west of the second principal meridian; 2d, a limestone formation (similar to the mountain limestone of Eu-

Three formations in Indiana.

ropean Geologists), prevailing in the counties east of that meridian; 3d, a diluvium, consisting of deposits of clay, sand, gravel, and boulders, overlying, and, in many places, covering up, the two other formations, to a greater or less depth, particularly in the northern part of the state.

No coal east
of the 2d me-
ridian line.

Now as in this country no perfect seams of bituminous coal are found associated with calcareous deposits, similar to those of middle and eastern Indiana, the Geologist can confidently predict, that it is a waste of time and labor to search for coal in any part of the state east of this second meridian; for instance, as has been done, in the neighborhood of the black bituminous slate, which is represented on the map stretching north in a narrow band, commencing at New Albany in Floyd county, and extending through part of Clark, Scott, Jennings, Bartholomew, Decatur, and probably beneath the diluvium, in a northerly direction, towards Elkhart.

If we were to speculate from geological observations, on the future condition of Indiana, we should say, that the western counties are destined to become, one day, the chief manufacturing counties; since, with a few exceptions, all large manufacturing towns and districts are situated on the coal formation.

Some of the
coals and-
stones suit-
able for build-
ing.

The freestones of this formation being often soft and friable, owing to the existence of mica disseminated in layers through their substance, and to the ferruginous cement which unites their particles, being liable to undergo alteration by the action of the atmosphere upon it, a careful selection by the builder is always necessary. In several places, particularly towards the base of the formation, or near its eastern boundary, as at Attica, Williamsport, on Pine creek, and near the French Lick, with a little care, freestone, white and fine grained, and excellently suited for architectural purposes, may be readily obtained. In character and geological position it resembles the celebrated Scotch freestone, of which the new town of Edinburgh and a portion of the town of Glasgow are built.

At New Harmony there is a quarry of freestone, yielding rock that has stood the test of twenty years; yet it is by no means equal to the strata above alluded to, in our eastern counties.

Whetstones
at the French
Lick.

A freestone of a very fine grain and white color is quarried at the French Lick, west of Paoli. It is manufactured into whetstones, that answer admirably for putting a fine edge on tools, and for polishing. They are exported to all parts of the United States.

Good grindstones are also manufactured from a similar stratum of these freestones, of a coarser grain.

The eastern boundary or base of the coal formation is

the most likely place to afford salt-water; for we find the most productive salt-wells throughout the Western country occurring in the inferior members of the coal formation. Thus, should symptoms of salt water make their appearance in the counties of Perry, Spencer, Dubois, Martin, Daviess, Greene, Owen, Clay, Putnam, Montgomery, or Tippecanoe, the encouragement to make a search would be greater, than if found elsewhere in the state. Where salt water most likely to be found.

Salt, however, is not, strictly speaking, constant in its geological position. In Europe, it usually occurs in the New Red sand stone,—a formation higher and of more recent origin than the bituminous coal formation; while, on the Holston, a tributary of the Tennessee river, there is a fine salt deposit, surrounded by gypsum or plaster of paris, lying on the grauwacke formation.

Two or three salt wells have been sunk in the knobs east of Bloomington, through the siliceous beds belonging to the sub-carboniferous group. The salt is of excellent quality; but the water has hitherto proved too weak to afford a fair profit. The boring after salt is, in truth, at all times, attended with considerable uncertainty.

Quantities of argillaceous iron ore,—from which, in Great Britain, 600,000 tons of iron are annually obtained,—occur in some of the slates of the bituminous coal formation of Indiana. Argillaceous iron ore in Indiana.

Some of the clay slates answer well for fire-brick. That now excavated near Troy is to be manufactured into fire-brick for sale,—an important article of commerce, in a country where steam engines are so extensively used, and indispensable where furnace operations are carried on to any extent. Fire clay.

Some of our clays in the coal formation answer well for the manufacturing of stoneware and grey pottery-ware. Such wares are now manufactured from them at Troy. Potters' clay.

Since I first called the attention of the proprietors to the deposit of the hydrated brown oxide of iron, near the falls of Eel river, examinations have been made, by digging in four or five different places: ore has been struck in all of them; many tons have been thrown up, and the prospects are so encouraging, that the proprietors of the falls are now endeavoring to form a company, to erect a furnace, and commence, on an extensive scale, smelting the ore. Extent of Eel river ore.

Sandstone being the predominating rock in this coal formation; and the greatest part of the soil of these western counties being formed from its disintegration, we find it generally of a sandy character. In the soil over the coal formation sand must predominate.

The dip and position of the various beds belonging to coal measures are generally constant, unless where, from

the protrusion of basalt or greenstone, those volcanic disturbances, called by the miners, "*faults*," "*troubles*," or "*dykes*," have disturbed the regularity of position. If, then, the general dip and order of succession of the strata can be ascertained, and these should appear to be free from faults or material undulation, a pretty correct estimate might be formed of the depth of the various seams of coal and other strata in different parts of the coal fields of Indiana.

Oolitic limestones good building materials.

Most of the limestones in the oolitic series,—that is, those occurring in the counties of Crawford, Orange, Lawrence, Monroe, Owen, and Putnam,—make good building materials. The encrinital limestones in Harrison, Washington, Jackson, Bartholomew, and Morgan counties, are also very suitable for that purpose; but the siliceous strata, or sand-rocks, in these counties are generally soft and crumbling, and by no means durable. The only use that the black bituminous aluminous slate, occurring in the sub-carboniferous group, can be put to, is for the manufacture of alum.*

Water-lime associated with bituminous aluminous slate.

The sub-carboniferous group, affords a water-lime, which appears to be a compound chiefly of limestone and clay, with some bituminous matter. It is associated with the black bituminous aluminous slate above mentioned. Some of the limestones in its neighborhood,—for instance, those rocks which are excavated at the top of the hill behind Madison,—contain green earth, and some are impregnated with bitumen and sulphuret of iron. In making a selection of building materials in such strata, care should be taken not to use any such, unless their durability has been well tested; for they are generally liable to decay.

Some of the fossiliferous limestones suitable for marbles.

The same formation exists in Indiana, in which the large deposits of iron ore are found in Tennessee.

The fossiliferous limestones of east Indiana, namely, those found in Jefferson, Switzerland, Dearborn, Ripley, Franklin, Fayette and Union counties, are durable rocks, and some of them make beautiful marbles.

The sub-carboniferous formation of Indiana is identical with the formation occurring in Middle Tennessee, in

* For this purpose it must be heaped together in piles, and set fire to; for it will burn for a short time, as we have before explained. After combustion, the sulphur and iron are both oxidized: the former becomes sulphuric acid, the latter, oxide of iron. A portion of the sulphuric acid unites with alumina, and the rest with oxide of iron,—forming a double salt,—the sulphate of alumina and iron. The iron has now to be got rid of. For this purpose, potash or ley is added, which throws down the oxide of iron, and appropriates its sulphuric acid to itself; thus forming a sulphate of alumina and potash, or alum.

which the enormous deposits of the hydrated brown oxide of iron, constituting so much of the mineral wealth of that State, are found.

The deposits of this kind of ore, in Indiana, however, although found in the same formation, are not associated with exactly the same strata. In Tennessee, they are in the siliceous strata, just above the encrinital limestones; those at present discovered in Indiana are either resting on the oolitic series of limestones, or near the bituminous aluminous slate.

The soil in Crawford, Orange, Lawrence, Monroe, Owen and Putnam counties, being formed chiefly from the oolitic limestones, has a calcareous character, and is admirably adapted for the growth of grasses. General character of the soil of State.

Clay will be found to predominate in the soil of the counties of Floyd, Clark, Scott, Jennings, and parts of Bartholomew, Decatur, Shelby, Johnson, Marion, and Hancock; because the soil of these counties is underlaid by clay slates. Hence we find the beech tree, which delights in a clayey soil, there growing luxuriantly.

The soil of Jefferson, Switzerland, Dearborn, Ripley, Franklin, Fayette, Union and parts of Decatur and Rush, being formed upon alternating strata of clay and limestone, must partake chiefly of these two earths. This soil is also well adapted to the growth of grasses.

The soil of the north-western counties appears to be a siliceo-calcareous sand, resting upon a clay bottom. This I conceive to be the reason why it is so much more productive than its external appearance promises. These points, however, I intend more fully to verify, by analysis, so soon as I can get samples of all the various soils. As yet, my opinion has been formed chiefly from ocular observation, and reasoning from general principles.

The water in the north-western counties is strongly impregnated with carbonic acid. This, acting as a solvent upon limestone, and the protoxide of iron, dissolves them wherever it meets with them in its passage to the surface. And thus we find these waters often highly charged with these two ingredients, forming calcareous and chalybeate springs. As they lose very soon, by exposure to the air, the excess of carbonic acid, which acts as a solvent of these ingredients; and as iron is brought also, by the same exposure to air, to a higher degree of oxidation, and therefore to a more insoluble form; these two causes acting together soon produce deposits of calcareous tufa and bog-iron ore, so frequently found in that country. The quantity of bog-iron ore, is, therefore, continually on the increase. Water in the north highly charged with lime and iron.

The greater part of Indiana must have been, at some Greater part

of Indiana
once under
an ocean.
No gold or
silver in Indi-
ana.

period of the earth's history, covered by an ocean; for most of the fossils in the limestones are of marine origin.

None of the precious metals will ever be found in Indiana, unless in minute portions in boulders, or in small quantities in combination with other metals;* because the primitive and grauwake formations, in which alone productive miles of gold and silver ore occur, do not exist in Indiana. It is true that, in some rare instances, silver is found as a sulphuret and as red silver ore, in such formations as exist in the western country; but I have seen no symptoms of any such in our State. The same may be said of bismuth, tin ore, and native arsenic. The only metals which we need look for, are iron, lead, antimony, manganese, zinc, cobalt, and possibly some varieties of copper and arsenic ores.

No anthracite
coal in Indi-
ana.

It is not likely that anthracite coal will ever be found in

* The gold of the United States occurs in micaceous and talcous slates, which never contain fossils. Stream gold is, indeed, found in alluvial deposits; but these are never far distant from the non-fossilliferous slates, from the disintegration of which they have been formed. One or two extraordinary exceptions to the general rule of gold being found only in non-fossilliferous rocks, are instanced by Humboldt. He mentions mines being worked for the precious metals in a limestone corresponding in age to the magnesian limestone of England, and one in a deposit as recent even as the oolitic series.

That brilliant metallic-looking mineral, sometimes of a golden yellow color, and at other times of a silvery white appearance, and often crystallized in cubes, so frequently taken for gold and silver, is iron pyrites,—a compound of sulphur and iron. It may be easily distinguished by putting a piece of it into a shovel, and placing it over the fire: if it be iron pyrites, a suffocating sulphurous smell will be perceived; or, in more common language, it will smell of brimstone; and a dark, brittle substance will remain.

The only use to which this sulphuret of iron, found so abundantly in many parts of our State, can be put, is for the manufacture of coppers or sulphate of iron. For this purpose, fragments of the ore are strewed in a convenient situation, so as to be acted on by the atmosphere; when the sulphur becomes sulphuric acid, and the iron, oxide of iron. A small stream of water is made to pass slowly over it; this dissolves up the sulphate of iron. This solution is conducted into kettles, and evaporated or boiled down; fragments of iron are thrown in, to unite with and neutralize the free sulphuric acid, which is always in excess; and the salt crystallizes so soon as it has arrived at a sufficient degree of concentration.

The thin, elastic, yellow glistening metallic-looking scales found in many of the boulders, are mica, or, as it is commonly called in this country, isinglass.

Indiana; because that mineral is usually found in the primitive and grauwacke formations.

Several detached pieces of native copper have been found in the State, one weighing five pounds; but, from the nature of the ore, its occurring in washed gravels, and only in isolated pieces, I have reason to believe that they do not originate in the State. I may add that the kupferschiefer of the German miners yields, at the mines of Mansfield, in Thuringia, an abundant supply of copper ore.— This copper slate is found at the bottom of the new red sandstone formation, which overlies the bituminous coal formation; and copper ores have been found in the carboniferous and mountain limestone. There is, therefore, a possibility of discovering workable copper ore in the formations of Indiana.

Detached masses of native copper found.

The fertility of the soil of Indiana is universally admitted, yet few are aware that it arises mainly from its geological position. It is well known to geologists, that that soil is the most productive, which has been derived from the destruction of the greatest variety of different rocks; for thus only is produced the due mixture of gravel, sand, clay, and limestone, necessary to form a good medium for the retention and transmission of the nutritive fluids, be they liquid or aeriform, to the roots of plants. Now, Indiana is situated near the middle of the Great Valley of Northwestern America, and far distant from the primitive range of mountains; and her soil is accordingly formed from the destruction of a vast variety of rocks, both crystalline and sedimentary, which have been minutely divided and intimately blended together by the action of air and water. It has all the elements, therefore, of extraordinary fertility.

Reason for the fertility of the soil in Indiana.

DAVID DALE OWEN,
Geologist of the State.

APPENDIX.

Suggestions as to the mode of conducting future Surveys.

Suggestions
reg'g future
surveys.

It will perhaps be expected that I should say something respecting what remains to be done in future geological examinations. If it be desired to make a minute geological survey of the State, it would be necessary to make, with the aid of good instruments, correct topographical examinations and maps of all the ridges and water-courses; to ascertain the succession, thickness, dip, and course of the different strata; above all, to collect diligently fossil organic remains; to analyse carefully all the ores, coal, cements, marl, clays, and soils, so as to estimate their intrinsic relative value; to make experiments upon the durability of certain strata for building materials; to polish different specimens of such strata as seem likely to afford good marble; to endeavor to ascertain the correspondence, dip, and prevalence of the various seams of coal, and accurately determine their thickness and succession, and those of the intervening strata of sandstone, shale, limestone, and clay; to make a general collection of specimens, to be arranged and deposited at the seat of government; perhaps to make a particular collection of the rocks and fossils in each county, to be deposited at each county seat, for the inspection of the inhabitants, and for the benefit of the county seminary, in order to afford to all an opportunity of examining and judging of the resources of each district of country; to determine the nature and variety of the vegetation peculiar to each formation; and perhaps to make observations on the natural history of Indiana generally; to examine carefully the various species to which the fossils belong, and make a rigorous comparison between them and those found in other parts of America and Europe, with a view of discovering the correspondence between our formations and those of other parts of the United States and the Eastern hemisphere. This is a subject now of the highest interest to scientific men in all parts of the world, as it is to confirm or demolish theories, which materially affect the science of geography, in a practical as well as a scientific point of view.

It will at once be seen that this is a work which can be fully accomplished only by the united labors of several individuals, by the expenditure of considerable capital, and

by the consumption of much time. Whether Indiana would be warranted in carrying out, at the present juncture, so expensive an undertaking, it is not for me to determine. I can but express my opinion that it would ultimately amply repay all outlays and labor.

A more economical, and, of course, a more superficial and less satisfactory course, might be pursued; a course similar to that which was necessarily adopted during the past season. It would be for the geologist to travel from place to place, make merely ocular, or perhaps partial surveys with instruments, of the various beds of rocks, and determine by approximation their thickness, dip, succession, &c.; to collect, as far as time and opportunity will permit, specimens and fossils; and to follow up the before-mentioned objects as far as the time and exertions of one individual may suffice for that purpose.

This plan, of course, could not pretend to the same accuracy as the former. Still much that is important might be accomplished. The more extensive plan is that pursued in the Atlantic states, and, I presume, in Michigan and Ohio; the latter is that which has been adopted by the legislature of Tennessee.

D. D. O.

The President laid before the Senate a communication from the Honorables Isaac Blackford, Charles Dewey, and Jeremiah Sullivan, Judges of the Supreme Court, in answer to a certain resolution calling upon them to say, whether they were ready to report a revision of the laws of the State of Indiana, to the present General Assembly;

Which communication was reported to the judiciary committee.

The President laid before the Senate the following report from the Auditor of Public Accounts:

AUDITOR'S OFFICE, }
Indianapolis, December 9, 1837. }

In obedience to a resolution of the Senate of yesterday, requesting a statement of the amount received by the Auditor as his salary, the following statement is submitted.

The permanent salary of the Auditor is five hundred and fifty dollars; four hundred dollars of which are for his services as Auditor, and one hundred and fifty dollars for his services in keeping books, corresponding with those of the Commissioners having charge of the Wabash and Erie Canal Land Office, and those of the Board of Fund Commissionouers designed as checks upon those officers. For keeping Michigan Road Land Office books, corresponding to those kept by the Commissioner authorized to sell those lands, the Auditor has received an additional allowance of fifty dollars annually, but as the duties of that officer may be considered as ended, nothing more can be received after this year from that source.

Nothing has been received by the Auditor for making out and transmitting to the respective counties annual statements of the taxable land in each. The compensation allowed for this service, is the same as the amonnt charged at the respective offices furnishing the Auditor with the returns, and the amount thus charged and allowed has, in every instance been received by the Clerk employed to do the labor.

The Auditor is allowed one half per cent. on all moneys paid into the State Treasury for sales of lots in Indianapolis. The sum received from this is small, and annually decreasing—last year it was near 7 dollars, this year 4 dollars.

In the act establishing the present system of Internal Improvements, it is made the duty of the Board of Internal Improvement to return to the Auditor copies of all vouchers for moneys expended, as well as receipts of money from the Fund Commissioners. This has been done by the Board, and accounts are open with the Board and with each *member* of the Board, corresponding with those kept by the Secretary of the Board. For this service the Auditor was to have received the same allowance for clerk hire as that paid by the Fund Commissioners for clerk hire. But the duties of a clerk to that body having thus far been discharged mostly by a member of the Board, they do not conceive themselves authorized to make any allowance to the Auditor, un-

til they will have appointed a clerk. This they reported to the Legislature at the last session.

The Auditor is not allowed any fees.

Respectfully Submitted,

MORRIS MORRIS.

Which was by consent laid on the table, and,

On motion, the Senate adjourned.

2 o'clock P. M.

The Senate Assembled.

The president laid before the Senate the following report:

Report ordered to be laid on the table and 200 copies printed.

TREASURER'S OFFICE,
Indianapolis, 12th Dec. 1837.}

HON. DAVID HILLIS,

President of the Senate:

I herewith transmit to be laid before the Senate, a statement of the operations and condition of the 3 per cent. Fund.

Very respectfully your ob't serv't.

N. B. PALMER,

Ag't 3 percent Fund.

The total amount of three per cent. fund received from the United States prior to the 1st December, 1836, including also \$2,550 received from the State Treasury, is

\$380,650 61

There has been received from the U. States the present year

57,450 00

————— \$438,100 61

The payments from this fund on the various appropriations to roads, rivers, and counties, prior to the 1st December, 1836, amounted to

303,308 52

There has been paid on same account, the present year

93,317 74

The total amount of incidental up to the 1st December 1837, is

4,733 94

————— 401,354 20

————— \$36,746 41

Leaving on the 1st of December inst. on hand, subject to the order of the proper commissioners, the sum of \$36,746 41.

The following table will show the amount appropriated to each of the several objects, to which this fund has been directed; also the amount paid to, and the balance due to each.

As was anticipated in my last annual report, the amounts accruing to this fund have greatly decreased from last year: the receipts being, the present year, but little over one-third of the amount realized in 1836.

From the already small and rapidly decreasing amount of sales of public lands, it is believed that the existing amount of appropriations over the amount received, (being at this time \$140,781 91) will not be met by the accruing fund, in all probability, under three years to come.

The right hand column in the following table, shows the amount yet going to each county to meet all existing appropriations; this balance, however, is but a portion of it now on hand, there being yet to be received from the United States the sum of \$1,618 21 for each county to fill the appropriation of last winter.

To ascertain the amount now on hand for any county, subtract the \$1,618 21 from the amount set in the right hand column as due the proper county, and the balance will be the amount now on hand for such county, and subject to the draft of the proper commissioner.

<i>No. of Road, River, or County.</i>	<i>Road Commissioners and names of Cos.</i>	<i>Amount of appropriation to each Road and County.</i>	<i>Amount paid to each.</i>	<i>Balance due to each.</i>
R. 12	George White	2,712 23	2,701 19	11 04
14	Garra Davis	3,033 80	3,025 02	8 78
	Amount appropriated and paid on 53 roads	111,740 05	111,740 05	
	Amount appropriated and paid on 10 rivers			
		2,050 00	2,050 00	
1	Allen	5,387 50	3,314 36	2,073 14
2	Adams	3,500 00	2,900 00	2,600 00
3	Boone	5,500 00	3,881 79	1,618 21
4	Bartholomew	5,500 00	3,631 78	1,868 22
5	Brown	4,000 00	2,148 31	1,851 69
6	Clinton	5,387 50	3,314 36	2,073 14
7	Carroll	4,900 00	3,081 79	1,818 21
8	Cass	5,000 00	3,221 45	1,778 55
9	Clark	5,500 00	3,500 00	2,000 00
10	Crawford	5,500 00	3,381 79	1,618 21
11	Clay	5,387 50	3,608 95	1,778 55
12	Dearborn	5,500 00	2,450 00	3,050 00
13	Decatur	5,500 00	3,426 86	2,073 14
14	Dubois	5,500 00	3,500 00	2,000 00
15	Delaware	5,500 00	3,721 45	1,778 55
16	Daviess	5,500 00	3,410 33	2,089 67
17	DeKalb	4,000 00		4,000 00
18	Elkhart	5,500 00	3,501 00	1,999 00
19	Fountain	4,900 00	2,900 00	2,000 00
20	Floyd	5,500 00	3,426 86	2,073 14
21	Franklin	5,500 00	3,426 86	2,073 14
22	Fayette	5,500 00	3,881 79	1,618 21
23	Fulton	4,000 00	2,221 45	1,778 55
24	Gibson	5,500 00	3,410 33	2,089 67
25	Grant	5,500 00	3,721 45	1,778 55
26	Greene	5,500 00	3,500 00	2,000 00
27	Huntington	5,387 50	3,314 36	2,073 14
28	Harrison	5,500 00	3,881 79	1,618 21
29	Hendricks	5,500 00	3,500 00	2,000 00
30	Hancock	5,500 00	3,666 86	1,833 14
31	Hamilton	5,500 00	3,881 79	1,618 21
32	Henry	5,500 00	3,881 79	1,618 21
33	Jackson	5,500 00	3,326 86	2,173 14

34 Jennings	5,500 00	3,500 00	2,000 00
35 Jefferson	5,500 00	3,881 79	1,618 21
36 Jasper	4,000 00		4,000 00
37 Johnson	5,500 00	3,500 00	2,000 00
38 Jay	4,000 00	1,926 86	2,073 14
39 Kościusko	4,600 00	2,595 22	2,004 78
40 Knox	4,900 00	2,826 00	2,074 00
41 Lawrence	5,500 00	3,721 45	1,778 55
42 Laporte	5,500 00	3,648 31	1,851 69
43 Lagrange	5,500 00	3,337 19	2,162 81
44 Lake	4,000 00	3,380 00	1,620 00
45 Miami	5,300 00	3,521 55	1,777 55
46 Montgomery	5,387 50	3,387 50	2,000 00
47 Morgan	5,500 00	3,881 79	1,618 21
48 Marion	5,500 00	3,660 00	1,840 00
49 Madison	5,500 00	3,881 79	1,618 21
50 Martin	5,500 00	3,721 45	1,778 55
51 Monroe	5,500 00	3,648 31	1,851 69
52 Marshall	4,000 00	2,000 00	2,000 00
53 Noble	4,000 00	1,926 86	2,073 14
54 Newton	4,000 00	2,000 00	2,000 00
55 Orange	5,500 00	3,721 45	1,778 55
56 Owen	5,500 00	3,881 79	1,618 21
57 Parke	4,900 00	2,826 74	2,073 14
58 Posey	5,500 00	3,426 86	2,073 14
59 Perry	5,500 00	3,126 86	2,073 14
60 Pike	5,500 00	3,881 79	1,618 21
61 Putnam	5,500 00	3,769 25	1,730 75
62 Porter	4,000 00	2,221 45	1,778 55
63 Pulaski	4,000 00	2,000 00	2,000 00
64 Ripley	5,500 00	3,475 00	2,025 00
65 Randolph	5,500 00	3,500 00	2,000 00
66 Rush	5,500 00	3,426 86	2,073 14
67 St. Joseph	5,500 00	3,500 00	2,000 00
68 Scott	5,500 00	3,808 65	1,691 35
69 Switzerland	5,800 00	3,760 10	2,039 90
70 Spencer	5,500 00	3,426 86	2,073 14
71 Shelby	5,500 00	3,881 79	1,618 21
72 Sullivan	4,900 00	2,826 86	2,073 14
73 Steuben	4,000 00		4,000 00
74 Stark	4,000 00		4,000 00
75 Tippecanoe	4,900 00	2,900 00	2,000 00
76 Union	5,500 00	3,648 31	1,851 69
77 Vermillion	4,900 00	2,771 78	2,128 22
78 Vanderburgh	5,500 00	3,500 00	2,000 00
79 Vigo	4,900 00	2,826 86	2,073 14
80 Wabash	5,387 50	3,769 29	1,618 21
81 Warren	4,900 00	2,900 00	2,000 00
82 Washington	5,500 00	3,881 80	1,613 20

83 Warrick	5,500 00	3,466 12	2,033 88
84 Wayne	5,500 00	3,426 66	2,073 14
85 Whitley	4,000 00		4,000 00
86 Wells	4,000 00	2,681 79	1,618 21
87 White	4,487 50	2,487 50	2,000 00
Wabash appropriation.	7,000 00	7,000 00	
	<hr/> \$574,148 58	<hr/> 396,620 26	<hr/> 177,528 32

By the foregoing table it will be perceived, that there has been specially appropriated to roads, rivers, and counties, the sum of \$574,148 58.

The total amount received by the Agent,
from the United States and State Treasury is

\$438,100 61

From which deduct total amount of incidental expenses

4,733 94

433,366 67

\$160,781 91

Exhibiting a balance of appropriations over the amount received from the United States &c. of \$140,781 91.

All of which is respectfully submitted,

N. B. PALMER, Ag't 3 pr. ct. fund.

On motion of Mr. Dunning,

Resolved, That the Board of Internal Improvements be respectfully requested to lay before the Senate the reports of the several Engineers who have surveyed the route of the New Albany and Crawfordsville road for the purpose of determining the character of said road, together with the action of the Board on said reports under the provisions of the 6th section of the act "entitled an act to provide for a general system of Internal Improvements. Approved January 27th, 1836. Also any other action which said board has taken upon said reports at as early a date as convenient.

The orders of the day being called up, thereupon

Bill No. 7—entitled "a bill to prevent injuries to the National road in Indiana," was read a 2d time and referred to a select committee composed of Messrs. Moffitt, Sigler, Little, Brady, Bell, Stanford, Bradbury and Elliott.

Bill No. 4, entitled "a bill to amend the act for the appointment of trustees to review deeds for lots or lands given for schools, meeting houses, and masonic lodges."

Which was read a second time and ordered to be engrossed for a 3d reading on to-morrow.

Bill No. 12, entitled "a bill amendatory of the act entitled an act relative to crime and punishment," approved Feb. 10, 1831;

Which was read a second time and ordered to be committed to a committee of the whole, and made the order of the day on to-morrow.

Bill No. 13, entitled "a bill authorizing a change of venue in certain cases,"

Read a 2d time and referred to a select committee composed of Messrs. Dunning, Thompson of P., and Colerick.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills of the Senate, entitled as follows:

No. 5—An act making an appropriation of part of the three per cent. fund in Lawrence county;

No. 8—An act to appropriate part of the three per cent. fund in Fountain county,

The latter with an amendment, in which the concurrence of the Senate is requested.

On motion of Mr. Dobson the Senate concurred in the amendment offered by the House, and order that the Secretary inform the House of Representatives thereof.

On motion of Mr. Little,

Resolved, That the judiciary committee be instructed to inquire into the expediency of providing by law for the call of circuit courts in certain cases.

Mr. Clark offered the following resolution:

Resolved, That the standing committee on the judiciary be instructed to inquire into the expediency of reporting to the Senate a joint resolution or bill disqualifying stockholders of any insurance company or savings institution, receiving or holding the appointment of director on the part of the state, of the State Bank of Indiana or of any of its branches, if in the opinion of the committee such an enactment would not be incompatible with the charter of said bank.

On motion of Mr. Mitchell the resolution was so amended as to exclude stockholders of exchange offices.

The question was then on the adoption of the resolution; and it was adopted.

Mr. Moore presented a petition from Mr. Mead and others praying a change of the manner of electing the three per cent. fund agent; referred to a select committee composed of Messrs. Moore, Stewart and Chambers.

On motion, Senate adjourned.

THURSDAY MORNING, DEC. 14, 1837.

Senate assembled.

Mr. Thompson of L. from the Judiciary Committee, now reports:

MR. PRESIDENT—

The Judiciary Committee to whom was referred two resolutions of the Senate, instructing an inquiry into the expediency of amending the law relative to the mode of doing county business, in such manner as to have the same done uniformly, by County Commissioners, throughout the State, have directed me to report the following bill: entitled,

“A bill [No. 19] repealing certain laws now in force, in several counties of this state, regulating the mode of doing county business therein.”

Which was ordered to a second reading on to-morrow.

Mr. Thompson of L. from the Judiciary Committee, now reports:

MR. PRESIDENT—

The Judiciary Committee to whom was referred a resolution of the the Senate, instructing an inquiry into the expediency of repealing so much of the 9th section of an act entitled “an act for the prevention of frauds and perjuries,” approved January 24th, 1831, as requires a *Feme Covert* to be examined separate and apart from her husband, in the conveyance of her interest in, and to any lands, tenements, or hereditaments whatever, have instructed me to report the following bill: entitled,

A bill (No. 18) amendatory of an act, entitled “an act for the prevention of frauds and perjuries,” approved Jan. 24th, 1831.

Which was ordered to a second reading on to-morrow.

Mr. Thompson of L. from the Judiciary Committee, further reports:

MR. PRESIDENT—

The Judiciary Committee to whom was referred the resolution of the Senate instructing an inquiry into the expediency of repealing all laws now in force in this State, inflicting the punishment of death, and substituting, in lieu thereof, solitary confinement in the State’s Prison, have considered the same and directed me to report that it is inexpedient to legislate thereon, and asked to be discharged from the further consideration thereof.

And the committee were accordingly discharged.

Mr. Kennedy from the committee on unfinished business, made the following report:

Mr. PRESIDENT—

The committee to whom was entrusted the examination of the unfinished business of last session, have performed that duty, and report the following unfinished business, viz:

1. A bill to change the name of the village of Lakeport in Laporte, to Hudson.

2. A bill to repeal an act incorporating the township in Warren county.

3. A bill to amend an act entitled an act to authorize the inhabitants of township eight, south of range two west to sell their school lands, approved Feb. 1st, 1836.

4. A bill to amend an act entitled an act to incorporate the Wabash and Michigan Rail Road Company, approved Feb. 2, 1835.

5. A bill relative to the three per cent. fund in the counties of Clinton, Carroll and White.

6. A bill to repeal that part of an act entitled an act to amend the several acts regulating the jurisdiction and duties of Justices of the Peace, in the several counties therein named, approved Feb. 7, 1835.

7. A bill organizing the Judicial circuit and fixing the time of holding courts therein.

8. A bill for granting Licenses in certain cases.

9. A bill to authorize the sale of a certain lot of land adjoining the town of Indianapolis, and for other purposes;

10. A bill supplemental to the act entitled an act for opening public roads and highways; approved Feb. 10, 1831;

11. A bill to authorize a survey in continuation of the Erie and Michigan canal;

12. A bill to extend the jurisdiction of the laws of the State of Indiana over certain bands of Indians;

13. A bill for a survey and estimate and construction of a rail road from the east line of the state to the Erie and Michigan canal, in Elkhart county;

14. A bill to authorize the treasurer to loan certain moneys, to the Indiana Teachers' Seminary;

15. A bill to amend an act to license and regulate taverns and groceries, approved Feb. 3d, 1832;

16. A bill for the preservation of the state house and for other purposes;

17. A bill authorizing the refunding certain monies to Montgomery county;

18. A bill supplemental to an act to provide for a general system of internal improvements;

19. A bill to provide for a survey and estimate for a rail road or turnpike, from Troy, Perry county, to the Central canal;

20. A bill to amend an act to provide for a general system of internal improvement;

21. A bill to legalize the sale of a part of school section No. 16, in township No. 4, south of range No. 8 west, in Warrick county;

22. A bill to improve the breed of cattle in White county;
23. A bill in relation to the locks in the canals authorized to be constructed by the state of Indiana;
24. A bill to provide for a survey on the Michigan road and for other purposes;
25. A bill supplemental to an act to provide for a general system of internal improvements, approved Jan. 27, 1836;
26. A bill for the relief of contractors on the Wabash & Erie canal;
27. A bill to incorporate the Washington savings institution;
28. A bill to amend an act entitled 'an act to organize probate courts,
29. A bill repealing part of an act entitled, "an act to provide for a general system of internal improvement," approved January 27th, 1836,
30. A bill to alter and define the boundary lines of Grant county.
31. A bill amendatory of an act entitled 'an act relating to crimes and punishment,' approved February 10th, 1831.
32. A joint resolution of the General Assembly of the State of Indiana, in relation to ports of entry.

Owing to the unusually large quantity of unfinished business, and the great quantity of the same being of a local character, the committee have instructed me to report all the foregoing bills to the Senate, and recommend that they lie upon the table, in order that the Senators, who are directly interested in the local bills, may make such disposition of them, as they may wish, at a subsequent time;

Which was laid on the table by consent.

Mr. Dunning of the select committee for that purpose, reports:

That the select committee to which was referred the bill, entitled "a bill [No. 13] authorizing a change of Venue in certain cases therein named," and the accompanying documents, have had the same under consideration and have directed me to report the same back to the Senate without amendment.

Mr. Dunning moved that the bill be considered as engrossed and read a third time now; and the bill passed to a third reading.

Mr. Dunn moved that the bill be recommitted to the select committee with instructions to strike out Vigo, and insert any county adjoining.

Mr. Brady moved to amend the amendment (relative to the instructions) by inserting Putnam county. Which was agreed to.

Mr. Mitchell proposed the following amendment:

And that the Prosecuting Attorney be authorized to furnish the means of conveying the female witnesses to Putnam county and pay them as witnesses in advance, and draw upon the county Treasury of Monroe county for such sums as may be necessary to accomplish that object, which was negatived.

The question then recurring on the commitment of the bill, it was accordingly recommitted to the same committee, by consent.

Mr. Dunning from said committee, thereupon reports:

That the select committee to which was referred a bill entitled "a bill (No. 13) authorizing a change of venue in certain cases therein named *with certain instructions*, have had the same under consideration

and have made certain amendments thereto, to wit: strike out the word *Vigo* wherever it occurs and insert the word Putnam.

The rules of the Senate being dispensed with, the bill was considered as engrossed and read a third time. And on the question, shall the bill pass? The Senate decided in the affirmative.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The President laid before the Senate a communication from the Treasurer of State in answer to a certain resolution of the Senate.

On motion of Mr. Clark, laid on the table.

Mr. Stanford from the committee on Enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills now reports, that they have compared the enrolled with the engrossed bill of the Senate No. 5, entitled, an act making an appropriation of part of the three per cent fund in Lawrence county.

And also, the enrolled with the engrossed bill of the Senate, No. 8, entitled an act to appropriate part of the three per cent. fund in Fountain county. And find them truly enrolled.

Mr. Walker from the select committee on that subject, reports:

That the select committee to whom was referred the petition of Joseph F. Boggs, and others, have had the same under consideration and instructed me to report the following bill, entitled

“A bill (No. 20) to locate a State road from Indianapolis, Marion county, through Johnson and Shelby counties, to Shelbyville, in Shelby county.”

The rules of the Senate being dispensed with, it passed to a second reading; and was ordered to be engrossed and read a third time on tomorrow.

On motion of Mr. Crawford,

Resolved, That the Judiciary committee be instructed to enquire into the expediency of so amending the law regulating frauds and perjuries, that any deed or deeds of conveyance hereafter made of any lands in this state, the legality and priority of such deeds shall be considered from the date of the record of such deed or deeds of conveyance in the proper county where such lands may be situated.

Mr. Walker, in accordance with a previous notice, offered the following resolution:

Resolved, That the standing rule of the Senate referring to the appointment of the Committee on Canals and Internal Improvements be so suspended or amended as to admit of adding the Senator from Cass, to that committee.

Mr. Morgan of R. moved as an amendment that the Senator from

Cass should serve on this appointment only during the present session, and on the motion of Mr. Morgan of R. the resolution and amendment were laid upon the table.

Mr. Thompson of P. gave notice that he would, on to-morrow, move the addition of the Senator from Knox and Ripley to the committee on Canals and Internal Improvements.

On motion of Mr. Morgan of R.,

Resolved, That so much of the Governor's Message as relates to the speedy completion of a portion of the Public Works, meets the approbation of the Senate.

On motion, adjourned.

FRIDAY MORNING, DEC. 15th, 1837.

Senate Assembled.

Mr. Stanford of the committee on enrolled bills now reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed joint memorial and resolution of the House of Representatives, No. 14, entitled

A memorial and joint resolution relative to the Wabash and Erie canal, and find the same truly enrolled.

Mr. Crawford presented a petition from James Hossette and others, praying an appropriation of the 3 per cent fund, &c. Referred to committee on roads.

Mr. Vawter presented a petition from John King and others praying a change of part of the Vernon and Greensburgh state road, &c. referred to a select committee composed of Messrs. Vawter, Morgan of D., and Walker.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, The Senate concurring, that the joint rules for the government of the two Houses be amended, so that the joint committee on the "canal fund" be not restricted as to numbers, but shall consist of such number of members of each house as may be appointed.

Mr. Thompson of P. moved to amend by limiting the number of the committee appointed from each House so as not to exceed eight;

Which was agreed to.

The question then being on the adoption of the resolution, the Senate decided in the affirmative; and that the House of Representatives be informed thereof.

Mr. Moore from the select committee on that subject reports,

That the select committee to whom the petition of Covell and others was referred, have had the same under consideration and directed me to report the following bill, entitled

A bill No. 21, relative to changing the mode of electing a commissioner of the 3 per cent. fund in the county of Daviess, which being read a 1st time on motion was read a 2d time by consent; and ordered to be engrossed for a third reading on to-morrow.

Mr. Vawter of the select committee on that subject reports,

That the select committee to which was referred the petition of John King and others, now report by bill, entitled

A bill No. 22—Changing a part of the Vernon and Greensburgh state road, which being read a first time,

On motion, was read a 2d time by consent and ordered to be engrossed and read a 3d time on to-morrow.

The Senate proceeding to the consideration of the resolution of the Senator from Rush, pending last evening, relative to so much of the Governor's message as regards the speedy completion of a portion of the public works;

Mr. Dunning moved to amend by striking out all of said resolution from the resolving clause, and insert That the doctrines on the subject of the prosecution of our present system of internal improvement, as expressed in the inaugural address of his Excellency David Wallace, Governor of the State of Indiana, meet the decided and cordial approbation of the Senate.

Mr. Thompson of L. moved the following amendment to the amendment,

And that viewing, as this Senate does, the system of internal improvement, provided for by the act of 1836, as so closely and intimately blended with the best interests and permanent welfare of the State, that its suspension or prostration would paralyze alike the business and energies of every class of our community, it is the opinion of this Senate, that, under the present advanced condition of that system, it is inexpedient and impracticable to classify the public works, as it would prove destructive to the public good, be a violation of the public faith and greatly tend to endanger the continuance and final completion of the works.

The question then being, shall the amendment to the amendment be adopted? and the ayes and noes were called for,

Those who voted in the affirmative are,

Messrs. Baird of St. J., Beard of Montgomery, Bell, Brown, Bradbury, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Hacket, Kennedy, Little, Moffit, Moore, Sigler, Stafford, Thompson of J., Thompson of L., Trask, Tuley, Watt of U., and Vawter—29.

Those who voted in the negative are,

Messrs. Brady, Casey, Daily, Finch, Green, Mitchell, Morgan of D., Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Terman, Thompson of P., Walker, Watts of D.—17.

So said amendment was agreed to.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The Senate again resumed the consideration of the resolution and amendment then pending.

The question then recurred upon striking out; the ayes and noes being called for—

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Bradbury, Cathcart, Chambers, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Hackett, Kennedy, Little, Moffitt, Moore, Sigler, Thompson, of J., Thompson of L., Trask, Tuley, Watt of U. and Vawter—27.

Those who voted in the negative were,

Messrs. Brady, Casey, Clark, Daily, Finch, Green, Mitchell, Morgan of D., Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Terman, Thompson of P., Walker, and Watts of D.—18.

So the original resolution was stricken out from its resolving clause. The question then was, shall the amendment be adopted?

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Bradbury, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Hacket, Kennedy, Little, Moffit, Moore, Sigler, Stanford, Thompson of J., Thompson of L., Trask, Tuley, Watt of U., and Vawter—29.

Those who voted in the negative were,

Messrs. Brady, Casey, Daily, Finch, Green, Mitchell, Morgan of D., Morgan of R., Mount, Puett, Smith, Stewart, Terman, Thompson of P., Walker, and Watts of D.—16.

So said amendment was adopted.

The question then was put, shall the resolution as amended, be adopted? The ayes and noes being again called for—

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Beard of M., Bell, Bowen, Bradbury, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Hacket, Kennedy, Little, Moffit, Moore, Mount, Sigler, Stanford, Thompson of J., Thompson of L., Trask, Tuley, Watt of U. and Vawter—30.

Those who voted in the negative were,

Messrs. Brady, Casey, Daily, Finch, Green, Mitchell, Morgan of D., Morgan of R., Puett, Smith, Stewart, Terman, Thompson of P., Walker and Watt of D.—15.

So it was adopted.

Mr. Morgan of R. offered the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to report a bill directing the board of public works to cause that part of the White Water canal, between Brookville and the National road to be put under contract during the present summer.

Mr. Sigler moved that the resolution be indefinitely postponed. The ayes and noes being called for—

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Hacket, Kennedy, Little, Moffitt, Moore, Mount, Sigler, Stafford, Thompson of J., Thompson of L., Trask, Tuley, Walker, Watts of D., Watt of U. and Vawter—33.

Those who voted in the negative were,

Messrs. Casey, Daily, Finch, Green, Mitchell, Morgan of D., Morgan of R, Puett, Smith, Stanford, Stewart, Terman and Thompson of P.—13.

The resolution was indefinitely postponed.

On motion, Senate adjourned.

SATURDAY MORNING, DEC. 16.

Senate assembled.

The President laid before the Senate a communication from the President of the State Bank of Indiana.

On motion of Mr. Mitchell,

Ordered to lie on the table, and that 1000 copies be printed.

STATE BANK, Dec. 29, 1837.

Hon. DAVID HILLIS,

President of the Senate:

In answer to a resolution of the Senate requesting the President and Directors of the State Bank to "inform the Senate, at what time and places, they intend to locate the 12th and 13th branches of said Bank," the undersigned respectfully represents, that the Directors not being now in session, nor expecting to meet again until the Legislature will probably have adjourned, it is not in his power, to give all the information on the subject which the Senate may desire, but as he has heard the matters referred to in the resolution, discussed in the Board, and the opinions of most of the members expressed respecting them, he begs leave to submit, for the consideration of the Senate, a brief sketch of what has been done, and his views of what the Board are desirous of doing. It must be recollected however, that the Board meet only once in three months, that changes are continually occurring amongst the members, and that as many of them have little personal knowledge of the northern part of this state, their opinions may be much changed, when they obtain further information.

Two Committees of the Board have visited the towns in the 12th district, claiming the location of the branch, one in May 1836, and the other in May 1837, and both committees were strongly impressed with the propriety of locating two branches in that district, if the Board had been authorized so to do. The first committee gave rather a preference to South Bend, in the expectation that there should be one at Michigan City at no distant day, though if there were to be but one

branch in that district, and that to be established in 1836, their preference would have been in favor of Laporte. The second committee appeared to prefer Michigan City, but the members of the Board were so much divided in opinion, that until the vote had been actually taken, no one could tell which point would have been voted for by a majority of the Directors. The subject was postponed however, a part of the Board having doubts of the propriety of locating a new branch while specie payments were suspended, and another part not being satisfied as to the point of location.

At the last meeting, the subject again came up, when it appeared that of the three points presenting claims to the location, about an equal number of the Directors were in favor of each. After much discussion, a committee of five directors, none of whom had ever visited the northern part of the state, were appointed to "make further examination of the 12th district and report at the August session of the Board a *definite point* for the location of the branch." Should that be done, the branch may be organized and ready for business next November.

The consent of the branches has never yet been given to the amendment of the charter, providing for a 13th branch.

There is no unwillingness on the part of the present branches, to consent to the establishment of a branch on the Wabash between Lafayette and Fort Wayne, and two more branches in the northern part of the state, whenever their organization shall be required by the business of the country and they shall be authorized by law.

In reference to another resolution of the Senate, requesting the President and Directors of the State Bank to "inform the Senate at what time the Bank will resume specie payments, also what kind of funds are received at the branches in payment of debts due the bank or branches," the undersigned respectfully submits, that the kind of funds received by the bank and branches in payment of debts is a matter left to the discretion of each, but that in this, all of them endeavor to accommodate the public, by taking all funds that are current in the vicinity.

All the Bank paper of Kentucky, of the south part of Ohio, of Virginia, and that of most of the Eastern States, is in general taken without objection, though in this they must be governed by the opportunities presented to them, for paying out what they receive.

In relation to the resumption of specie payments, and the views of the State Board on that subject, the undersigned submits for the consideration of the Senate, a report and resolution made by a committee during their late session and concurred in unanimously by the Board.

The committee, to whom was referred the subject of a "resumption of specie payments" beg leave to report, that they have had the subject under consideration, and now submit the result of their deliberations. It will be remembered that specie payments were suspended on the 18th of May, 1837. The circumstances which led to that suspension are well understood. The community at large seems to have acquiesced in the measure, as one of necessity, and an argument to prove its pro-

propriety, so far as we are concerned, is deemed at this time unnecessary. The question is not *now*, in relation to the policy of the measure *then* :— the event has happened, and the only question is, *how long* the suspension is to be continued by the State Bank of Indiana? In order to arrive at a proper conclusion upon the subject, it will be necessary to review the action of the Board heretofore upon the same. At the August session 1837, and being the first session of the Board after the suspension, the following resolution was unanimously adopted:

Resolved, That the Cashier of the Bank be authorized to call the attention of the Western Banks to the propriety of holding a convention for the purpose of preparing to resume specie payments at as early a period as practicable, and that in case said convention shall be held, the President or Cashier be appointed the delegate on the part of this Bank. That in pursuance of this resolution, the Cashier of the State Bank addressed letters to the principal Western banks, and their answers show that the anxious desire of all is in accordance with that of this bank, to resume specie payments at as early a period as is practicable and expedient, but the New York Convention being soon after proposed, no further action was had in relation to a western convention.

The whole course of the bank, from the suspension of specie payments in May, to this period, shows beyond all contradiction, that the Bank has, with a proper regard to the situation of its debtors and the public interest, made every exertion to resume specie payments, at as early a period as could with safety be made. Our circulation from the 18th of May, the day when we suspended specie payments, to the 31st October last, has decreased \$388,823; our discounts for the same period, have been decreased \$841,678; our debt to the government \$718,870 12; our debt due to other banks \$85,873 68; our individual deposits \$114,991 87; while our specie has decreased in the same period, but \$72,477 99. Thus showing that while in the same period, our immediate liabilities have been settled to the amount of \$1,308,558 67; our specie funds remain the same as they were on the 18th May last with the exception of the small decrease above stated and which arises in part by payment of the Government debt, and in part for accommodations in change for the public. The whole action of the Bank has been, as far as possible, to be prepared at all times, for the resumption of specie payments, whenever the period should arrive which would make it politic and expedient so to do. The circular letter of the President of the Board to the different branches, all the resolutions and orders of the Board itself show, that the earnest wish of those who regulate the concerns of the State Bank, has been to promote at as early a period as possible, the desirable object of once more placing the circulation of the Bank upon a specie basis.

The committee are gratified in finding that the branches in this matter, "have come up manfully to the work." Every one, who is at all acquainted with banking operations, knows, that the safest of all fiscal dealings by a bank, is where the circulation does not exceed twice the amount of specie in its vaults. The former is with us continually de-

creasing--while but little of the latter is going out. At the date of our last return, our circulation was \$2,205,812; our specie \$1,048,714 72, making our circulation only \$157,097 28, more than twice the amount of specie in our vaults--a comparison with any other institution will show our superior ability to redeem our paper in specie whenever a resumption shall be deemed advisable.

Having thus shown the action of the Board in relation to the resumption of specie payments, it will be expected, that the committee should offer some views in relation to the probable time for the accomplishment of this highly desirable object--an event as much desired by this Board as it possibly can be by the community at large--by our bill holders, and by all who wish to see our issues based upon, and redeemable at all times in gold and silver. Every one who knows any thing of the causes which led to the suspension of specie payments on the part of this, as well as the western banks generally, must be well aware that the suspension was involuntary on their parts. The difficulties in our monetary affairs first commenced on the seaboard, in the banks east of the mountains, New York may be considered the *focus* of all the banking--if not of all the business operations of the country. The stoppage of specie payments by a single institution there, vibrates throughout the whole country. The suspension of all creates dismay--if it does not bring ruin upon similar institutions throughout the Union. They regulate the domestic as well as the foreign exchange of the United States, and whether connected with them directly or not, every bank in the Union must feel the full force of their operations, either for good or evil. Situated as we are, with the rate of exchange and the balance of trade so evidently against us; with the premium existing upon specie, above its par value for exportation--it would be the height of folly, as the committee believe, for the bank to resume specie payments, until some action is had upon the subject by the banks east of the mountains. Is not our present paralysis, better than entire dissolution? What would be the effect of a resumption of specie payments by the State bank of Indiana, without a mutual co-operation of solvent institutions beyond the mountains?--The answer is easy. Every dollar of our circulation, whether issued by discount or otherwise, would return directly to our counters, with a demand for specie. Without a general resumption--it would be then as it is now, a matter of merchandize, daily exposed on the stalls of the exchange in our large cities. With the present premium it would bear, as it would certainly receive, a carriage across the mountains. Our vaults would be drained, our customers distressed, our paper dishonored, our bill holders the sufferers, our citizens oppressed to gratify the avarice of brokers and speculators, the price of all property reduced to one-fourth its real value, and when the time came, *as come it will shortly*, for the resumption of specie payments here, we should be found without a dollar in our vaults--our paper irredeemable--the State bankrupt, and individuals ruined. With this view of the subject, the committee believe the true policy is "to watch the signs of the times," and be prepared at any moment to resume specie

payments when *events elsewhere* shall demonstrate its policy and expediency *here*. The day is not far distant, when, your committee believe, a resumption may take place without injury to the bank, to the State or to the public—and that ere long, every dollar of the notes of the State bank of Indiana, may be redeemed in *gold* and *silver*. The banks in New York have sent a circular to this bank, requesting us to send a delegate to meet them in convention in that city on the 27th instant. This bank has accepted the invitation in the same spirit of courtesy and good faith, in which it appears to have been made. Our delegate is there, and has been instructed earnestly “to urge the resumption of specie payments at the earliest day practicable.” As soon as the time is fixed, the State Bank of Indiana, will not be found lag-gard in the performance of a duty, which she will then owe to herself, to the State, and to the community at large, who under all circumstances have so generously stood by and sustained her.

The committee submit the following resolution:

Resolved, That the President of this Board be authorized and directed, and he is hereby authorized and directed to adopt any measure in his power to induce a resumption of specie payments generally, and so to direct the operations of the branches that they shall be prepared to resume specie payments at the first moment practicable.

It is not in the power of the undersigned, to add much to the foregoing report, which expresses in general the views of the whole board. The convention has been held, but not being fully satisfied with the statistical information before them, that they could fix an early and precise time at which specie payments could be resumed with most advantage to the country, they adjourned until the 2d Wednesday of April, recommending the banks generally to prepare by all means in their power for an early and continued resumption.

That this bank and the western banks generally, can and will resume specie payments, at an early period, there is in the opinion of the undersigned, no reasonable ground to doubt.

Respectfully submitted,

FILE

S. MERRILL, *President*.

The President laid before the Senate a report from the Secretary of State, which was referred to the committee on State Prisons.

On motion of Mr. Brady,

Resolved, That the Michigan road commissioner be respectfully requested to lay before the Senate a detailed statement of the total amount of his receipts and expenditures during the time of his superintendence of said road, and likewise the amount of balance, if any, due the road, or on hand, together with what he has done with the commissioner of the General Land Office, to secure a perfect title to the lands donated by the government to said road, as well as all other matters connected with the duties of his office; also the quantity of tools, &c. belonging to said road with a view to a close and final settlement thereof.

Mr. Sigler moved the following resolution:

Resolved, That the standing committee on the State Bank, be instructed to inquire into the expediency of so modifying the act establishing a State Bank and Branches so as a majority of the directors of the State Bank, or of the General Assembly may at any time establish an additional number of Branches, should they deem it expedient.

Laid on the table by consent.

On motion of Mr. Dobson,

Resolved, That the committee on education be instructed to inquire what amendment, if any, be necessary to an act entitled an act to incorporate Congressional townships and providing for public schools therein, approved February 6th, 1837.

On motion of Mr. Tuley,

Resolved, That the committee on education be requested to inquire into the expediency of repealing so much of the 11th section of the 14th chapter of the act entitled "an act incorporating Congressional townships and providing for public schools therein; approved 6th February, 1837; as relates to persons sending to school in an adjoining district, or township and authorizing said inhabitants to draw school funds of the township in which they reside, and that said committee be further requested to inquire into the expediency of so amending the 23d section of said chapter as to make it the duty of all persons, heads of families, living in organized school townships or districts to perform labor, furnish materials and pay any taxes which may be required of them by the order of a district meeting for the support of schools.

On motion of Mr. Bowen,

Resolved, That so much of the "act for the opening and repairing roads and highways," approved Feb. 10th, 1831; and all subsequent acts in relation to the duties of supervisors of roads, be referred to the committee on roads, and they be requested to revise and correct the same, so that the law may be rendered more intelligible than it is at present, and if in the judgment of said committee the law requires revision and amendment, that the committee be requested to report a bill with a provision that a sufficient number of copies in pamphlet form be printed for the use of supervisors throughout the State.

On motion of Mr. Cole,

Resolved, That the committee on roads be instructed to inquire into the expediency of amending the law on roads relative to the appointment or selection of supervisors; where the supervisor of any district does not accept of his appointment as supervisor, shall, within ten days, after receiving his appointment, give notice to the clerk of the circuit court of his county, of his non-acceptance, and in case any person neglects to comply with the above requisitions, shall be subject to indictment and fine of ten dollars.

On motion of Mr. Trask,

Resolved, That the committee on education be instructed to inquire into the expediency of so altering the law regulating schools and building of school houses in the several school districts as to compel those who are subject to pay taxes, to raise money upon the ad valorem sys-

tem of taxation, in case there should not be sufficient funds received from other sources. Provided, however, that two thirds of the qualified voters shall concur therein.

On motion of Mr. Baird of St. Joseph,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of reporting a bill requiring mortgages upon personal property, to be recorded in the proper recorder's office of the county in which said mortgage may be given; with leave to report by bill or otherwise.

On motion of Mr. Dunning,

Resolved, That the Secretary to the Senate be instructed to make out an index to the Journal of the present session of the Senate, and furnish the same as soon as convenient to the public printer, for which he shall be allowed the sum of seventy-five dollars.

On motion of Mr. Mitchell,

Resolved, That the committee on education be instructed to inquire into the expediency of so amending the 12th section of an act approved Feb. 6th, 1837, as to require the school commissioner to loan out monthly, any interest which he may have in his hands between the months of March and September, and September and March at which times he has to make his reports.

On motion of Mr. Thompson of P.,

Resolved, That the committee on education be instructed to inquire into the expediency of revising so much of an act approved Feb. 8th, 1836, entitled an act to provide for an equitable mode of levying the taxes of this state as appropriated 12½ cents of the poll tax and 5 per cent. of the gross amount of the state revenue to common school purposes.

Mr. Mount offered the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending an act, approved Feb. 2d, 1833, amending an act approved Feb. 1st, 1831, regulating the interest on money in the following particulars, to-wit:

That any person or persons who enter into any agreement to pay a greater rate of interest than is permitted by the act above referred to may if suit be brought for the recovery of any claim in pursuance of such agreement be permitted to plead as a set-off any excess over and above the lawful interest; and any court having jurisdiction shall proceed to render judgment in favor of the plaintiff for such sum as may appear to be due after deducting such excess, and to repeal the 3d section of the before-mentioned act.

Mr. Sigler moved to amend by adding: and further to inquire into the expediency of so amending the law assessing a fine upon those charged with receiving usurious interest, so as to assess the fine without reference to any definite sum. Not adopted.

Question on resolution; shall resolution be adopted? decided in the negative.

On motion of Mr. Morgan of R.,

Resolved, That when the Senate next adjourns it will adjourn to meet on Monday morning at the usual hour.

On motion of Mr. Beard of M.,

Resolved, That the committee on the judiciary be instructed to inquire if any, and what amendments are necessary, to the law relative to domestic attachments, or for the collection of debts from absconding debtors, with leave to report by bill or otherwise.

On motion of Mr. Kennedy,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law, as to authorize married females under the age of 21 years to join with their husbands in the conveyance of real estate.

On motion of Mr. Watts of D.,

Resolved, That the standing committee on roads be requested to inquire into the expediency of so amending the several road laws as to specify the time in each year for the work to be done, and also the propriety of printing a sufficient number of copies to furnish one to each supervisor.

Mr. Dobson offered the following resolution:

Resolved, That the judiciary committee be instructed to report to the Senate whether or not in their opinion the State Bank has forfeited its Charter by suspending specie payments.

Mr. Puett proposed to amend by adding, "or by any other act connected with Bank transactions;" which was accepted.

Mr. Finch moved to amend by adding "and also inquire whether it was necessary for the good of the country, or the safety of the Bank, that the Bank should have suspended specie payments."

Mr. Kennedy moved to amend the amendment by adding, "and if said committee be of opinion that their charter is forfeited, in consequence of said suspension, that they inquire into the expediency of tendering to the Bank a new charter."

On motion, the resolution and amendments were laid on the table.

The President laid before the Senate a report from the State Board of Public Works.

Mr. Dunning moved to lay it on the table, and that 1000 copies be printed.

OFFICE OF STATE BOARD INTERNAL IMPROVEMENT,
Indianapolis, Dec. 15, 1837. }

HON. DAVID HILLIS,

President of the Senate:

SIR—Herewith is transmitted the second annual Report of the State Board of Internal Improvement to the General Assembly.

Very respectfully,

D. H. MAXWELL, *Pres't.*
of the Board

To the General Assembly of Indiana:

Since the annual report of this Board, made to the General Assembly in December last, but few original orders have been made to put any additional portions of the public works under contract. The high price of labor, and the unpromising appearance of the reduction of it for the current year, admonished the Board to abstain from any extension as much as possible, and they yielded to this caution, under a belief that the system and the public interest, would sustain no injury from the temporary delay. If by the ensuing spring, proper efforts shall be made to introduce labor into the State, and prices should settle down upon a salutary basis, the public works can then be greatly extended, and their prosecution pushed with alacrity and expedition. At the late and present prices for labor, the domestic supply might be deemed sufficient for that object even now, but besides the objection, that they are exorbitant, and far above what other States have given for similar services, there is another which in the opinion of the Board is entitled to as much weight, predicated upon the present condition and prospective resources of the State. It will be admitted that there is no surplus labor in the State, but that her policy demands an increase of it for agricultural purposes, as a vast extent of her fertile territory remains unoccupied, the improvement and cultivation of which would greatly increase the general prosperity, and multiply in the same proportion her own resources.

By affording an undue stimulus to labor on the public works, we throw out an allurements to our citizens, who are in one way or another identified with the agricultural interest, to abandon it; the hope of greater gain successfully invites them from the pursuit to which they have been raised, and for which they are well qualified by habits and experience, to adopt one for which they are comparatively unqualified. Individually they are not permanently benefited by the exchange, and to the State, in her prosperity, wealth, and financial means, it works a vital injury.

The great benefit accruing to the farmer, from a system of Internal Improvements, is in the enhanced value of his land, and in good prices and a steady market; and whilst extending his improvements and adding to his possessions, he should not be led astray by anticipations of high wages, or splendid contracts in the public service, but the effort should at least be made, to keep labor there as nearly as possible down to the wonted level in other employments. Should this be consummated, the complaints of the last season in some parts of the State, will not be repeated, that the ordinary farming operations of the country, could not be kept up, in consequence of the competition for labor on the public works. These are some of the considerations which had a controlling influence upon the Board, and they were carried out to a considerable extent, by their declining to put a large proportion of the work under contract, authorized by the original orders of the Board

at their first meeting. By making these remarks the Board must not be suspected of being in favor of a policy which has not heretofore characterized their proceedings; the idea is emphatically repudiated. On the contrary, it is their determination, unless prevented by the action of the General Assembly to extend operations as fast as a force properly applicable to them can be acquired, which can be ascertained and regulated by a judicious limit in the estimates of the Engineers to be hereafter made, preparatory to the lettings. The Board have undiminished confidence in the report made by them at the last session of the General Assembly, upon the resources, and ability of the State to meet the engagements of the system; and although since that time the elements in the calculation have somewhat varied, the falling off in any one instance is more than counterbalanced by a gain in some other. They do, now as then, look to the prosecution of the works where commenced, and a further extension of them along the respective lines. The system sprang from the reciprocal confidence, harmonious understanding and co-operation of the different sections of the state; all have started in the practical consummation of the splendid enterprize; the march of all should be onward, and be the event what it may, the struggle should be one and undivided in a common cause.

The Board have the satisfaction to inform the General Assembly, that the progress of the works under contract, has been active and efficient, and equals the expectation entertained in relation to them at the commencement of the season. The division of the Wabash and Erie Canal, which lies between Fort Wayne and the Ohio line, is under construction, and the work will be kept up with unremitting exertion, with a view to its speedy completion, by which time it is expected that the part of the said canal, within the boundary of Ohio will also be completed; the whole of which from the State line to Maumee Bay, is now under contract. The Board are constrained to say, that they cannot speak in terms of commendation of the course pursued by the public authorities of the State of Ohio, in all respects, relative to this portion of the Wabash and Erie Canal. Owing to the extensive commerce which will be carried on between Fort Wayne and the point at which the canal will disembogue into the Maumee, this portion of it being the recipient of trade for the Wabash and Erie canal, the Central canal, the Erie and Michigan canal, and the Miami or Dayton canal, this Board ordered the division from Fort Wayne to the Ohio line, to be constructed sixty feet wide and six feet deep, not doubting that Ohio would unite in a similar construction from the line to Toledo. This has not been done except from the point of junction of the Dayton with the Wabash and Erie canal, which is about sixteen miles from the State line, leaving the intermediate portion to be constructed the ordinary width only. It will be perceived that by this arrangement of Ohio, she will fully accommodate the navigation upon the Dayton canal, whilst a similar benefit is invidiously denied to Indiana, a hardship much magnified by the consideration, that the canal lands transferred by Indiana to Ohio, she was not compelled to dis-

pose of until recently, when they commanded high prices, whilst the former, to comply with the compact on her part, has had to sell continuously from an early day, however unpropitious the market. It is anticipated, that when this subject is brought to the notice of the Legislature of Ohio, by the General Assembly of this State, she will not hesitate to satisfy our just expectations. From Fort Wayne to Logansport the canal may be considered as completed, and in the spring will be navigable the entire route; and from the latter place to Lafayette it will doubtless be in all respects finished contemporaneously with the division East of Fort Wayne. Whilst on this branch of the system, the Board will remark, that they regret to learn, that some intimations have been publicly given, by ill-advised individuals, that the Wabash and Erie canal will be stopped at Lafayette. They conceive it due to themselves, and more especially to the country South and North of that point, to disclaim having in the remotest degree, given encouragement to such an opinion. So far from it, that they are well satisfied that the object in view at the time, when the construction of that canal was originally determined on, can never be effected except by the entire extension of it as now established and expressly directed by law. In connection with this great work, has arisen an important question of intense interest to this State, the settlement of which in accordance with the views of the Board, and of which they can have but little doubt, will add a vivifying influence to the general system, and may lead to such an extension of it, as will afford that more general accommodation, so much desired. The act of Congress appropriating lands for the use of the State, to aid her in the construction of the Wabash and Erie canal, is predicated upon the understanding, so expressed, that the canal shall extend from the navigable waters of the Maumee of the Lake, to those of the Wabash. The object of both parties was, as it appears to have been, to effect a good, permanent navigation from Lake Erie through the Maumee and Wabash rivers to the Mississippi, to be enjoyed by the General Government free of toll or other charge, in consideration of the grant made by her. In the first place, the mouth of Tippecanoe river was supposed to be the proper terminating point upon the Wabash, but subsequently it was deemed expedient, indeed necessary to the consummation of the object of the parties, to continue the Wabash and Erie canal to Terre-Haute, at which point it now terminates and disembogues into the river. On that part of the canal within the borders of Ohio, the terminating point on the Maumee was at first established at the Rapids, the Engineer reporting at the same time, that it was unnecessary under the provisions of the act of Congress, or to protect the public interest, to extend it further down said river. But subsequently, and after a lapse of eight years, under the authority of the Board of public works of that state, the canal was extended from that point to the Maumee Bay, a distance of fifteen miles, and an extension of the grant claimed for the State in proportion to the extension of the canal, in virtue of the same act of Congress. The claim was submitted to the Commissioner of the General Land Office at Washington, examined, duly considered and allowed by him. In

behalf of the State of Indiana, this Board has preferred her claim for a quantity of land in proportion to her extension of the same canal upon the Wabash, and as the cases are so strikingly analogous, they cannot permit themselves to believe that the Commissioner of the General Land Office will reject it. To do so would be a species of favoritism subversive of principle, an unprecedented departure from good faith, and the existing hesitancy on the part of the Commissioner of the General Land Office can only be accounted for by the importance and comparative magnitude of the claim. A copy of the letter of this Board to the Commissioner, explanatory of their views upon the subject, is hereto annexed marked A.

On the Erie and Michigan Canal, the Board in December last, ordered a portion of the work to be put under contract; but at their sitting in September following, countermanded that order, in consideration of the necessity of increased vigorous operations on the Wabash and Erie canal. The Board regret that the expectations raised by them in that section of the country, have not been realized, but trust that it will be seen that they were constrained by an imperious duty to postpone the work. The faith of the State being absolutely pledged for the construction of that canal, the Board then thought that no injury could accrue to that important interest by a short delay of operations, until the force engaged on the contiguous work, could in part be spared and transferred to it; but they now consider it probable, that the order will be revived, at an earlier day, than was then anticipated.

On the Cross-Cut canal, twenty-six sections have been under construction, including the feeder dam on Eel river, and one Lock. On the southern division of the Central canal, thirty-nine sections have been under construction, including the feeder dam on Big Pigeon and two locks. On the Indianapolis division, fifty sections have been under construction, including the feeder dam on White river above Indianapolis, and eleven locks. On the White Water canal, sixty-one sections have been under construction, three feeder dams and 18 locks, and upon these divisions generally a large proportion of the work has been done, the particulars of which will be seen by referring to the documents hereto annexed. The Board authorised in all 180 miles of canal to be put under contract, but 128 miles only have been let, owing to the cause heretofore mentioned; and the sections retained being in some instances the light work on their respective divisions. On the roads also, with one exception, considerable progress has been made. On the Madison and Lafayette rail road, of the twenty-three miles put under contract, extending from Madison to the Greensburgh road near Vernon, fifteen have been finished, and are in a state of preparation to receive the superstructure; and by the first of September next the balance will be in the same forwardness. The Acting Commissioner on this line, has made an arrangement with a mercantile house in New York, for the importation of rail road iron, for the use of the state, as it may be wanted; and by May next, he expects to receive the supply that will be needed by him the ensuing season. It is doubtless known to the Legislature, that the domestic article is sel-

dom, if ever, used for this purpose, as the cost of the material simply, would exceed that of iron imported, which comes free of duty, manufactured in proper shape, and prepared for immediate use. The cost per ton when delivered at Madison will probably not exceed eighty dollars. On the New Albany and Vincennes McAdamized road, the grading, culverts and bridges are nearly completed, from New Albany to Paoli, a distance of 41 miles; and early in the next season the application of metal will be commenced. On the Jeffersonville and Crawsordsville road, the work has been put under contract from Jeffersonville to New Albany, and the grubbing of about 4 miles which is alike applicable to a rail or McAdamized road in the interior, between the Cumberland road and Greencastle. This road has been the source of some trouble to the Board, but in accepting the trust tendered to them, they did not expect to be exempt from it. The path of official duty is ever beset with difficulties, and he who travels it must meet them; but if he moves on with honest purpose and as circumstances will permit, fears would be gratuitous, if not despicable. Impressed with this truth, and disclaiming the intention to cast censure any where, although the principle of self-defence might seem to justify it, the Board approach the subject of this road with confidence, and respectfully submit the following statement of their progressive action upon it. The act of the General Assembly declares, that the road shall be a rail road, if practicable, and if not, that it shall be constructed upon the M'Adam principle; a qualification no doubt originating in the fact, that upon the first attempt to examine and survey the route by an engineer in the service of the State, before the organization of this Board, a rail road was pronounced "impracticable." At the first meeting of the Board, in March 1836, the Acting Commissioner to whom that line was confided, was instructed to have the preliminary examination and survey made, as soon as a competent Engineer could be had; and at the same time, to expedite that and other branches of the service, the Board appointed a committee to visit those states in which Internal Improvements had been extensively carried on to procure a supply of Engineers, and more especially, a proper person to fill the office of Principal Engineer on roads. At the meeting of the Board in May afterwards, the Board still found themselves without a principal Engineer on roads, or a supply of engineers of other grades, but arrangements for them were under progress, and the Board were satisfied that every means had been diligently availed of to secure them, but if possible to give further efficacy to their views, in relation to the Principal Engineer on roads, the importance of such an officer, and the want of him at that time being most sensibly felt, full latitude was given to the President of the Board, to make the appointment himself in vacation, leaving the selection and salary both discretionary with him. At the meeting of the Board in October following, the president had succeeded in obtaining a principal Engineer, one who had been recommended to him for the situation, by gentlemen of the highest rank and merit in their profession as Engineers, and the Board were unanimous in their congratulations, upon what they deemed the fortunate

nate issue of their persevering efforts. At the same meeting, the Acting Commissioner on the Jeffersonville and Crawfordsville road, presented a report from his resident Engineer, of an examination of the route as far as the West Fork of White river, and a reconnoissance on a further part of it, in which he expressed his opinion in favor of the practicability of a rail road, on said route. The Board however, after mature reflection, the subject having been repeatedly discussed, came to the conclusion not to settle the character of the road upon this unfinished survey alone. The Engineer alluded to, however qualified in other respects, had not sufficient experience in his profession to warrant the Board in coming to a final decision, upon the exposition furnished by him, and besides the Board had then a principal engineer on roads, whose especial province it was, to decide upon matters of such magnitude. The report was accordingly submitted to him, but he declined to give any intimation to the Board in favor of its adoption, and this at a time when he could not be suspected of being under prejudice or other sinister influence. The principal Engineer was then directed to make his examination of the route as soon as practicable, and submit a report to the Board, and in the mean time the Acting Commissioner was instructed, to put a part of the work under contract, so that it might answer for either a McAdamized or rail road, as the Board should finally determine. In June following, the principal Engineer on roads made his report, couched in strong terms against the practicability of a rail road; his examination covering only a part of the route, but enough to satisfy him; if not being necessary in all cases to examine an entire route, for evidence of impracticability. The word "practicable" in the law has not of course received a strict construction from the Board, but they deem the qualification in the law, as giving the discretionary power to decide upon the comparative expediency of a rail road, for had the intention of the General Assembly been otherwise, no such qualification would have been inserted, as it is strictly practicable to make a rail road any where. This report however, was not followed by any distinct expression of the Board, settling the character of the road, none such being moved for by any member; but on the day succeeding the presentation of the report, on the motion of the Acting Commissioner on that line, he was unanimously authorized, to put certain portions of it under contract, to be constructed at an elevation indicating a McAdamized road, although not nominally expressed. But had he submitted a resolution, declaring in the plainest terms that the road should be a McAdamized one, the Board would not have hesitated to adopt it, believing, as they then did, that the report of the principal Engineer was entitled to their confidence. The members of the Board are not Engineers, nor are they selected for their qualifications as such; and although in the discharge of their duties, much may be acquired by them in that line, yet to a great extent, they will always have to depend upon the statements of the Engineers employed by them. Some of those necessarily engaged in the service of the state are wanting in experience, although it is believed that in the end, the state will feel a pride in having patronized them;

and it was partially to avoid the evils, which might grow out of this circumstance, that it was deemed necessary to procure a principal for each department of the service, who had established a high reputation in his profession. To such an officer great respect is due, and his official statements should not be set aside, but upon evidence, clear and indubitable. To hold a different opinion, would be to disregard system and responsibility in the service, and to trample under foot that rank which the Board, had themselves, created, as the proper distinction of superior attainments.

The action of the Board upon the report as here stated, seemed to produce much dissatisfaction; for in a few weeks afterwards, they were convened by the President, to take this subject again under consideration; and a delegation composed of some of the most respectable citizens of the State, appeared before them to represent the wishes of the people locally interested. That portion of the statement made by them to the board, which more especially claimed their attention, was the charge of inconsistency in the reports made by the principal engineer on roads, in relation to certain principles assumed by him at different times, and that in his report upon the Jeffersonville and Crawfordsville road, he had greatly exaggerated the cost. The officer whose conduct was thus assailed, being no longer in the service of the State, or present, the Board were precluded from his explanations, which might possibly have reconciled these alleged incongruities.—Under these circumstances, to have absolutely adhered to his report, in defiance of the complaint made, would have been an indecency towards public sentiment, and on the other hand, to have retrograded to the original report, and upon that basis decided upon the character of the road, was entirely inadmissible. It would have placed the Board in a ridiculous attitude, and justly exposed them to heavy censure. To have yielded to the wishes of the delegates would certainly have been gratifying to them, but it was evident that the Board and the delegates occupied different grounds, productive of different opinions. The delegates were bound to represent that portion of the people, who had urged and sent them upon that mission. They could not virtually act in that capacity, without doing so; but the members of the board were the agents of the General Assembly, to carry into execution their law, with an eye single to the interest of the whole people of the State. With a full view of the emergency, and to put the Board in possession of the best lights for a final decision upon the conflicting reports and statements made, they appointed Mr. Williams, then Principal Engineer on Canals, the Principal Engineer of the State, to have in charge for the present, all the public works, and directed him to invite from some neighboring State, two engineers distinguished for their ability and experience, to unite with him in a personal examination of the said route, and make their joint report to the Board at as early a day as practicable;—a mode of settling such difficulties sanctioned by the usage of other States. Mr. Williams has succeeded in obtaining for this service, Mr. Welsh, the Principal Engineer of Kentucky, and Mr. Forrer of Ohio, than whom a better selection could not be made, all of whom are now engaged on the route, and when their report is sub-

mitted to the board, which will be, by the 25th of this month, no time will be lost in deciding upon this question, and as far as the Board is concerned, putting it to rest forever. The Board indulge the hope, that the General Assembly will perceive, that there has been no unnecessary delay on their part, in bringing this matter to a close, upon proper premises; but that from first to last, it has received from the Board the attention due to its importance. It is very possible they may have erred and come short of their duty, but upon a review of the various steps taken by them in relation to it, they can perceive nothing to reproach themselves with.

On the roads inclusive, the board have ordered 84 miles to be put under contract, but 68 only have been let.

Another work which it is their duty to introduce to the notice of the General Assembly at this time, is at the Grand Rapids of the Wabash, for the improvement of the navigation of the river. By the act of the General Assembly, the board were required to attend to the execution of a proposed compact between this State and that of Illinois, upon the subject of the improvement of the navigation of that river, from Vincennes to its mouth; and this object was consummated in April, by Mr. Blake the Acting Commissioner appointed by this board, and Gen. M. K. Alexander, the Commissioner appointed by the Board of Public Works of Illinois. Immediately consequent upon which, they put measures in a train for the commencement and continuous progress of operations; and after a thorough examination by themselves personally, and a corps of engineers organized for the purpose determined for the present to concentrate their efforts at that point of the river well known as the Grand Rapids. The obstructions at this point commence and continue from Little Rock to the foot of the rapids, just above the mouth of White river; making a distance of 10 miles, and a fall of 10 feet, and have ever been considered, as they have certainly proved to be, the most formidable of any in the river. The plan adopted to overcome them is to erect a dam at the foot of the rapids ten and a half feet high, with a Lock on the Indiana side, for the construction of which the rock formation in the bed of the river, and the natural shape of the contiguous country is admirably adapted. This improvement, in addition to the certain and safe passage it will afford at that point in all seasons, for craft of all descriptions, engaged both in the ascending and descending navigation, will create a water power, which, at a time not remote, will indemnify the two States in the entire cost of the work. Being at the junction of two fine rivers, the vallies of which are not surpassed in fertility, and their adaptation to all grain productions, and abounding in stone coal, and as it is believed, in iron ore, it presents an invitation to capital and enterprize for manufacturing purposes, which will not be overlooked. A copy of the report of the Engineer employed by the two Commissioners, is herewith furnished, which will be found to contain ample information in relation to the plan of work, and the practicability and expediency of it. The cost of it, when finished, is estimated at \$167,000. And although the State of Illinois has appropriated \$100,000, the money can only be expend-

ed in equal sums, with the funds furnished by the State of Indiana; and as her appropriation at present is only \$50,000, of course a farther appropriation is necessary to cover her moiety of the estimate. In doing this, which the board beg leave to recommend to the General Assembly, no new principle is introduced, as the cost of all the public works, after the most careful calculations which can be made, rests in some degree upon conjecture. In some cases the estimate will exceed and in others fall short of the actual cost. There is an unexpended balance of appropriation, which should it be the pleasure of the General Assembly to transfer to this object, would save to a considerable extent, a draft upon other resources and the manner of so disposing of it, would seem peculiarly proper. In the year 1834, the General Assembly appropriated the sum of twelve thousand dollars to be expended with a like sum, to be furnished by the State of Illinois for the improvement of the navigation of the Wabash, by Commissioners mutually appointed by the two States. The Agent on the part of this State, under said commission, has furnished data by which it appears that the balance now in his hands, and not subject to existing contracts or other engagements relative to the improvement of the river, is about 5,000 dollars. The commission on the part of Illinois has been rescinded, and the duties of it transferred to the board of public works. The service under this commission has been confined to the river below the Rapids. In what manner the Wabash should be improved below that point, is an important and as yet unsettled question. The wide river bottoms and the nature of the obstructions in some places, seem to render inapplicable the slack water principle; and it may eventually be necessary to resort to one or more canals; but be this as it may, it appears to the board, that the views of the public authorities relative to this department of the services should, for the present, be concentrated at the Grand Rapids.

Annexed hereto the General Assembly will find a tabular statement showing the divisions of work under contract, the cost, at contract prices, and the amount actually expended on each during the present season. The accounts of the members of the Board, which are now under examination, and a statement of the sales of the Wabash and Erie Canal Lands, with the data which usually accompany that document, will be furnished as soon as practicable.

In obtaining release for the use of water power, the members of the Board have in many cases, been met by objections and murmurings and a positive refusal either to donate or sell to the State at a fair equivalent. As the use of water power is indispensable, and all appeals to liberality, and a sense of public duty have proved fruitless, the board desire to be understood as recommending with more than common earnestness, that a law be passed, to condemn the small lots of land necessary for the use of water power, in the same manner that property is now taken to the public use for other purposes. They are aware that it is a delicate matter to seize upon private property, and that it is generally considered a harsh measure; but when a great object is to be carried out by it, promotive of the interests of the whole community,

and that particular interest cannot be preserved in any other manner, it will not be denied that it is both constitutional and proper to do so. The authority could be given in such manner as to protect fully the just claims of the citizen. It is farther respectfully suggested, whether provision by law should not be made, for obtaining some small lots of ground for the necessary depots, incidental to rail road operations, the machinery and other property appurtenant to such a road, rendering some arrangements of the kind indispensably necessary.

Examinations and surveys have been made, to ascertain what minor changes, if any, required by economy and the public interest, should be made in the lines originally run, and to collect that minute information so necessary to enable the Board to proceed with confidence. On the Central canal, from Indianapolis south, portions of the adjacent country on both sides of White river, have been carefully examined by a party of engineers; it being supposed that a better route than the present could be had on the west side of that river, and the examination was extended on this line, as far as the head of Big Pigeon Summit.

An exploration and survey has been made, under the order of the General Assembly, from the feeder dam on the Cross-cut canal, along the west side of Eel river, diverging towards Black creek, to ascertain if a passage for said canal could not be effected in that direction; but it has been found that a range of intermediate hills presented an insuperable obstacle.

On the Erie and Michigan canal, a corps of engineers has been engaged the greater part of the season, examining the country thoroughly, testing its adaptation to the contemplated improvement, with a view to its definite location, and final connexion with the Illinois canal. The President and Principal Engineer of that canal, have recently made a survey for the route on the Illinois side, and found it entirely practicable to make that connexion. It will be recollected that the attention of the General Assembly has been heretofore invited by the Board to this interesting subject, and they now repeat their conviction of the importance of this connexion, which cannot fail to be productive of great commercial facilities, whilst it will add to the wealth and character of the State. They therefore regret, that the acting commissioner on that line was limited in his examinations, by an act of the General Assembly, which required the counties of St. Joseph, Laporte, Porter, and Lake, to advance a sufficient sum to defray the expenses of the survey from the mouth of Salt creek, or some suitable point westward to the Illinois line, which was not made by them. This law conflicts with the public interest, and without presuming to discuss its general propriety, the Board beg leave to recommend the repeal of that feature of it, and put that work upon a footing with the other public works.

The Michigan road has also been examined under the requirements of an act of the last session; and the report of the officer fully specifying the character and cost of the improvement recommended will be shortly submitted. A thorough exploration has also been made from

the point where the Cumberland road crosses the White Water canal, thence north-west by Newcastle towards the Central canal, to ascertain the practicability of connecting these works by a cross-cut canal; and it may now be considered as settled, that the country does not afford the necessary facilities for that kind of improvement. This contemplated connexion would have contributed greatly to the convenience and commercial advantages of the State--would have united all her canals; and the Board deeply regret that the hope originally entertained of its accomplishment, cannot be realized. The report of the Engineer and maps are on file in this office.

The location of that part of the Madison and Lafayette Rail road which lies between Crawfordsville and Lafayette has been made, and the cost in detail estimated, and the report of the engineer engaged for that particular service, submitted to the Board.

A survey and estimate have been made by Mr. Torbert, one of the engineers in the permanent service of the State, for a canal down the valley of the East Fork of White River, from Richmond to Brookville, and his report is herewith submitted.

Without going farther into particulars, the Board request the attention of the General Assembly, to the report of Mr. Williams, the Principal Engineer of the State, a copy of which is hereunto annexed and made a part of this report. It contains a detailed statement of the progress of our public works, and the surveys and questions connected with them, and various views of his, shedding much light upon these subjects. The Board in relation to their own especial duties, would be wanting in justice and proper feeling, if they were not to acknowledge the important aid they have from time to time derived from this officer; and they deem it very important for the State, that in his ardent and patriotic desire to sustain her reputation in the progress of her public works she has am ample guaranty for his continued services.

Respectfully submitted,

D. H. MAXWELL,
SAM'L LEWIS,
J. B. JOHNSON,
ELISHA LONG,
JOHN WOODBURN,
JOHN A. GRAHAM,
JOHN G. CLENDENIN,
D. YANDES,
THOS. H. BLAKE.

Indianapolis, Dec. 15, 1837.

TABULAR STATEMENT, exhibiting the various lines of Public Works under contract, the Cost of Construction at contract prices, and amount expended on each for Construction for the year 1837.

Work under contract.	Length of line.		Cost of contract prices.		Am't expended for construct'n.		
	Miles.	100ths	Dolls.	cts	Dolls.	cts	
Wabash & Erie canal from Tippecanoe river to Huntington	67	78	294,592*		249,265	27	*This is am't of contract price's from Tippecanoe to Georgetown including dam No. 4 at Delphi.
do.	6	57	162,366	90	76,390	90	
do.	19	39	289,336		14,479		
White Water Canal, East of Fort Wayne,	30	80	500,462		217,043		
Central Canal, Indianapolis Division,	25	25	367,157		227,552		
do. Southern Division,	20		244,179		91,489		
Jeffersonville & Crawfordsville road, from Jeff. to N. Alb.	4	380 ft.	133,909	64	70,250		To 1st Oct.
do. from Cumberland R. to Greencastle,	4	25	2,037				Grubbing only.
Madison & Lafayette Rail Road,	23	50	732,857		337,905	94	
New Albany and Vincennes Road,	41	50	207,921		137,787	80	{ To 22d Oct.: vouchers for Nov. not yet received.
Cross-Cut Canal,	14	25	246,755		80,149		To 1st Nov.
			\$3,181,562 90		1,502,311 91		

A

Abstract of the argument, in behalf of the right of the State to an extension of the Wabash and Erie Canal grant.

The first section of the act of Congress of the 2d of March, 1827, grants to the State of Indiana, "a quantity of land, equal to one-half of five sections in width, on each side of said canal, and reserving each alternate section to the United States, to be selected by the commissioner of the land office, under the direction of the President of the United States, *from one end thereof to the other.*" As the limits of the grant in respect to its length are thus plainly made co-extensive with the canal, the chief subject of inquiry that remains, is in reference to the length of the canal contemplated or authorized by the act of Congress, according to its true intent and meaning.

On this point, the intention of the law is not so obvious. No points are named for the commencement or termination of the canal, except that it is "to unite at navigable points, the waters of the Wabash with those of Lake Erie." This phraseology is very indefinite. The Maumee and Wabash rivers, which form the route of this canal, have been navigated with small craft, with a portage between them, of only nine miles, ever since the discovery of the country by the French.

The navigation of these rivers, improves gradually in descending from this portage, as the volume of water is increased by the numerous tributaries until they unite, the one with Lake Erie, and the other with the Ohio river. Now it will not be contended, that the construction of a canal across this portage merely, would meet the objects and intentions of the act of Congress. And the increase in the depth of water in those streams, is so gradual, that there would be great uncertainty in selecting the *navigable point*, in the sense in which this phrase is used in the law. Under these circumstances, it is fairly to be presumed, as well from the spirit as the letter of the law, that Congress had in view such an extension of the canal, in both directions, as would furnish throughout this great national thoroughfare, a navigation adequate to the demands of commerce, and purposes of Government; leaving the length of the canal, necessary to effect this object, to be determined by the discretion of those who might be charged with the location, after a critical examination of the route. But to which of the parties is this discretion confided? On this point the law is plain. The 2d section says, "so soon as the route of the canal shall be located, and agreed upon by said State, &c." It appears quite evident therefore, that according to the act of Congress, the State, and the State alone, has the right to determine how far down the Wabash and Maumee rivers, the canal shall be extended, keeping in view the objects and design of the grant.

The final determination of the State of Indiana, in respect to the necessary extension along the Wabash river, will be seen by reference

to an act entitled "an act to provide for a general system of Internal Improvement," approved January 27, 1836. The fourth section of this act, provides for a continuation of the Wabash and Erie canal, along the valley of the Wabash river to Terre Haute, and thence across to the Central canal, through which it will be connected with the Ohio river, and also appropriates a sum of money for the construction of the same, equal to about half its cost. As the canal as here authorized, does not connect with the Wabash river, at any point below Terre Haute, that point may be considered as its termination, agreeably to the intentions of the act of Congress, and of course, no claim for further extension of the grant, could be urged.

From the most careful consideration of the whole subject, therefore, the conclusion seems irresistible, that since the State, after a critical survey of the route, has found it necessary for the purposes of commerce, to extend the canal to Terre Haute, a fair and just construction of the act of Congress, approved March 2d, 1827, will give to the state, a corresponding extension of the grant of land.

This conclusion is fully sustained, by the former action of the General Land Office Department, in regard to that portion of the grant which had been transferred to the State of Ohio.

The documents accompanying the last annual message of the Governor of Ohio, give a full history of the negotiation, between the authorities of that state, and the General Land Office Department. From these and other official papers, to which reference has been had, the facts which follow have been collected.

About the year 1828, a survey of the eastern section of the Wabash and Erie canal, along the Maumee river, was made by Howard Stansbury, acting under orders of the Engineer Department of the United States. By reference to the report of that officer, to the department, it will be seen that he terminated the canal at the foot of the Maumee rapids, and expressed his opinion that a farther extension of the canal was not demanded by the interest of the country. The point selected by Mr. Stansbury for the termination of the canal, (the foot of the rapids) is on the lake level, and it has been ascertained by actual sounding, that below this point, there is at no time less than six and a half feet water in the shallowest places.

During the year 1834, Commissioners were appointed on the part of the State of Ohio, to select the lands due to that portion of the canal which passes through her territory. The commissioners it appears, adopted Stansbury's line, as far as he had run the same, for the purpose of making the selections of land; and proceeded to make out township plats, showing its connection with the public surveys, which plats were forwarded to the General Land office for the action of that department, in June, 1834. (See letter of Gov. Lucas to the Commissioner of the General Land Office, dated 12th Sept. 1836.)

From the history of the negotiation, it does not appear that any farther action was had on this subject, until the 8th of April, 1836, when the Board of Public works of the state of Ohio, with a view probably to a more perfect channel of commerce, determined by a resolution

adopted on that day, to extend the canal entirely to the Maumee Bay, a distance of 15 miles farther down, than the point originally selected for its termination. (See page 8 of the documents accompanying Gov. Lucas' Message.)

The subsequent history of the negotiation shows, that upon this determination of the proper authorities to extend the canal, the right of the State of Ohio, to select lands for this portion of the route, under the act of Congress of 2d March, 1827, was recognized by the General Government without hesitation. (See page 20 of the documents accompanying Governor Lucas' message.)

This reference to the decision of the General Land Office Department, in the case of Ohio, is made with a view of sustaining the construction which we have given to the law of Congress. If the act of Congress of 2d March, 1827, authorizes a selection of lands for the extension of the canal along the Maumee river, where there is at no time less than 64 feet water, and where the United States' Engineer deemed an extension of the canal unnecessary, the right of Indiana to an extension of the grant, for the construction of the canal along the Wabash, which affords less than eighteen inches water, on the bars during the summer season, cannot be controverted.

It may be remarked too, that the parties will be materially benefited, if the construction for which the state contends be sustained, and that an extension of the grant would appear necessary to the full accomplishment of important purposes of its own, which the General Government had in view, and which in part, it is presumed, prompted its action on this subject. The U. States, and the State of Indiana, are in an important sense, partners in the construction and use of this canal. The first section of the act of Congress before referred to, provides "That the said canal when completed, shall be and forever remain a public highway, for the use of the Government of the United States, free from any toll or other charge whatever, for any property of the U. S. or persons in their service passing through the same." This enactment on the part of the U. States, and its acceptance on the part of this States, forms a compact between the two governments which secures to the former *so far as the grant of land may extend*, rights and privileges which will be of much future importance, especially in time of war; an occurrence for which it is the acknowledged policy of all Governments to provide. The construction of the canal, and the *extension of the grant of land* which the authorities of the State, believe, follows as a matter of course, will provide "a public highway for the use of the Government of the United States, free from any tolls, &c." connecting with the great chain of Lakes on the North, and extending south-west to the Cumberland road, a public highway which the United States are now constructing and which must ever form the principal thoroughfare for all purposes of Government, through the interior of the Western States.

If the United States should not recognize Terre-Haute as the termination of the canal, under the act of Congress, they can never of course claim any *right of way*, between that point and Tippecanoe. The consequence will be that their boats from Lake Erie must stop at

the mouth of Tippecanoe, and their boats up the Wabash, must stop at Terre-Haute, except when the Wabash between those points is high which is seldom the case.

If, without the recognition suggested, the United States should hereafter attempt to navigate this part of the canal, and the State, as it would have a right to do, should undertake to prevent it, the difficulties cannot be foreseen.

D. H. MAXWELL, *Pres't*
State Board Int. Imp. Indiana.

To Messrs. THOS. H. BLAKE, & M. K. ALEXANDER,
Commissioners of the States of Indiana and Illinois.

GENTLEMEN—

In obedience to the instructions I received from you, growing out of my engagements of the 24th of June last, to take charge of the improvements contemplated in the Wabash river, I hasten to lay before you a report of the measures taken to advance that object.

Immediately after the 24th of June, I proceeded to the Grand Rapids, as the point presenting the most formidable obstructions to be overcome; to which I had been particularly directed, as the field for operations, and commenced a general, though cursory examination of the country in their vicinity, and the river from Vincennes to the Ohio. The operations now pressing forward on so many rivers in Kentucky and Pennsylvania, in preparing them for an uninterrupted navigation for steamboats, appeared to point to that mode, as the ultimate improvement which at no long period would prevail, on all the tributaries of the Ohio.

With this consideration of the subject, distinctly in view, it was deemed necessary, as a preliminary measure, before a plan could be adopted with judgment, to form opinions approaching at least to correctness, of the practicability for improvements in the river below, and the kind which would be used, so that the plans for the Grand Rapids, might be in keeping and harmony, with those which at some future time, might be constructed between that place and the Ohio.

With slight exceptions, from Delphi to within eleven miles of the junction of White river, to the shoals of Little Rock Rapids, the Wabash has a mild current, of good width and tolerably well defined banks, which confine its waters to their natural bed, except in time of floods. Below White river, evident changes are perceived. The stream expands to something like double its former width, its course is more serpentine; it crosses its lowest valley from side to side, which is from three to eight miles wide, and in traversing the valley, changes its direction frequently, forms cut-offs in the bends of the river, and rolls with the current vast volumes of sand.

Between White river and the Ohio, the sand rock of the country, is found in the bed of the river in three places, at Coffee Island and at the Little and Grand Chains, and there forms the ripples, which have been recently improved by Messrs. Gardner and Mundy. At these

points, where the rocks occur, the river is susceptible probably of any improvement, which the extensive and increasing trade of the country may demand. The immense value of the commerce of the valley of the Wabash, it is fair to presume, would induce in a short time, a slack water navigation for the business of steam boats, at all seasons of the year, if the river was practicable for such an improvement. But however desirable such an object may be, it is problematical at least, from the character of the country, overflowed in times of floods, from 3 to 8 miles in width with the bed of the stream constantly changing its course, and its current rolling volumes of sand, sufficient to fill its entire bed in a few years for a long distance; whether such a stream, can be generally converted into pools for slack water navigation. In such an event it is doubtful, that the process of filling the pools of the dams with sand would go on rapidly for a few years, and then to find way, for its water, the river would seek new channels and leave such work as had been constructed on dry ground.

Although the probabilities are adverse to the general improvement of the Wabash by means of slack water navigation in its whole length, it is entirely possible, at some future period of time, that works of this kind may be erected on the shoals where the rocks appear, and this consideration though remotely, had some weight in determining the plan for the works at the rapids.

The Wabash below White river, for the small class of Ohio steam boats, is navigable the greater part of each year, and for a much longer period than it is above, owing more to the series of shoals from the Grand Rapids to Little Rock, than to want of water from thence to Lafayette and Delphi. Many inquiries, relative to the length of time in which the ordinary steam boat navigation can be used annually on the Wabash, have been made above and below the confluence of White river, but from the conflicting statements, it is difficult to form an opinion. The time varies doubtless in different years. During the present, there can have been but little, or no time, when the water has been too low for small boats to ascend to the Rapids. A steam boat of ordinary light draught, came there the last of October, when the water was depressed probably, as low as it had been at any time during the summer and fall seasons. If it could have passed the shoal waters for the ten miles above this point, it might have made its way for a long distance up the river. From the best intelligence that could be obtained it is confidently believed, that when the improvements at the Grand Rapids shall be completed, it will add at least three months in each year, to the time in which steam boats can now ascend the Wabash above the junction of White river.

The obstacles to the navigation proposed to be remedied by the present improvements, are the series of rapids and shoals commencing about one mile above the mouth of White river.

1st. The Grand Rapids; descent 4 feet in less than a mile.

2d. The Hanging Rock Rapids, 2½ miles from the foot of the first; descent 1 foot 7 inches in half a mile.

3d, Crum's Ripple, and the Ripple at Ramsay's and Budle's Mills

are next in succession, $4\frac{1}{2}$ miles from Hanging Rock; descent 3 feet 2 inches from the surface of the water above the dams, and to Hanging Rock; the greater part of which, or all of the descent, is within three fourths of a mile from the dams.

4th. Little Rock Rapids $2\frac{1}{2}$ miles from the latter, from the head of which, in half a mile, is a descent on the surface of the water at the time the levels were taken, of 1 foot 3 inches; making in all the distance of $9\frac{1}{4}$ miles with the direction of the stream, a descent of 10 feet; the water from numerous soundings, varying in depth from 4 to $1\frac{1}{2}$ feet on the highest point of rocks in the shoals at these places.

In running the levels, the point of high water mark, at the foot of the Grand Rapids 21.57 feet above the surface of the water, was assumed at the base line. The highest point in the bed of the river at Little Rock is 12.97 feet below this base line, and in the proposed improvement, of erecting one dam across the Wabash, with one lock of sufficient lift for overcoming all the descent of the river, from the foot of the Grand Rapids, and give 3 1-2 feet depth of water at its lowest stage, over the most elevated point of the Little Rock shoals, will require the wier, or comb of the dam, when built, and the surface of the water in the river, to be raised to the height of 9.47 feet, or in round numbers, to nine feet six inches below this base line.

To determine the best mode of overcoming these obstructions several other plans, than the one adopted, suggested themselves. The first was, if practicable, to introduce a feeder from White river, on ground sufficiently elevated, to lock by means of a canal, into the Wabash, above and below the Rapids, and leave the bed of the river free for the great amount of trade passing it in flat and steam boats. Another plan, to make a canal from the upper part of the Rapids, deep enough to be fed without throwing a dam across the Wabash, and in that manner leave the river free. A third one, to erect a dam at Hanging Rock, high enough to render navigable the shoals in the river above that point, and, supply a canal to the foot of the rapids. A slight examination sufficed to show the impracticability of the first, and the inexpediency of the two last; the cost of construction was sufficient to decide the question, but if they could have been made for a much less amount, it is doubtful whether they should have been adopted. The steam boat trade of the river is immensely valuable, and this commerce cannot be well accommodated in a canal. The agitation of the water caused by the motion of the boats, induce the necessity of paving the banks with stone, which injures the vessels in their passage through them. Canals are obviously too narrow for the free operation of steam boats, whose motions in them, are so much constrained, and their progress so much impeded, that the utility of navigating canals by the agency of steam power, is a doubtful and unsettled question. The first of these canals would have been more than seven miles in length and the latter more than two.

These considerations were deemed sufficient to determine that the works at the Grand Rapids should be, by means of dams and locks, and whether one dam or two should be used for that purpose, was the

only question which remained undecided. The height to which the waters are required to be raised at the lower termination of the Grand Rapids, to give 3 1-2 feet depth at the lowest stage of water at Little Rock, is 12 feet, and on a good foundation such as will be used, this height is not too great to render a dam unsafe. But in consequence of the rocks in the channel of the river extending a greater distance down the stream on the Illinois than on the Indiana side, the dam to have a rock foundation in the whole extent, will be placed a short distance up the falls, and its elevation will thereby be diminished by the rise in the rock more than a foot, so that to obtain the necessary depth of water, the dam will not exceed 10½ feet in height at the place where it will be built; and as a single dam and lock are more convenient and more economical to surmount this difference of level, than by means of two, the use of one only should be preferred; provided the country is sufficiently elevated to sustain that height of water against the banks of the river.

In the event of building two dams, the site of the upper one would be at Hanging Rock, and the other about two miles below, near the foot of the Grand Rapids. The water from the upper site, to the extremity of the pool in the river above, would of course be at the same height, whether one or two dams should be erected, and the only difference to the adjacent country, in relation to the height of the water, is for the distance between the two dams, which does not exceed 2¼ miles, and this difference in height on the plan of two dams would not be greater than 3½ feet. For, in order to give the necessary depth of water for steam boats to pass into the lock at the Hanging Rock dam, it would necessarily have a considerable portion of its height submerged by the lower one.

A dam at the foot of the Rapids to overcome the obstructions in the river at Hanging Rock, and secure a sufficient depth of water to carry boats into the second lock, would be 7½ feet in height above the surface of the river; and to overcome all the obstacles proposed to be remedied, less than 10½ feet above the surface of the water when the levels were taken.

The greater part of the descent of the Grand Rapids is within half a mile of the dam, so that the height to which the waters are to be raised above their natural bed is diminished four feet in that distance: the banks are high enough to confine them, except in the highest floods, during which the country for miles in extent, is overflowed, with the exception of a few insulated points of sand rock ridges, which appear like islands in the surrounding waters. The difference therefore in the height to which the surface of the river will be raised by the plan of one or two dams is inconsiderable, not exceeding three and a half feet in height for two and a fourth miles in distance, and not enough to form a serious objection against the use of either. But to obviate any inconvenience on that account, in the estimate, the cost of making guard banks from the lower to the upper sites on each side of the river has been calculated and provided for. The difference in the height of the lock gates and walls, on the plan of two dams, would have been

three feet less than in the plan for one, provided they had been left at 10 feet above the wiers or combs of the dams, and sometimes submerged in the highest floods, which, although avoided in the plan adopted, by raising the walls and gates above high water mark, would not have rendered them unsafe with guard banks of requisite height and well protected, and when the water would have been 10 feet over the combs of the dams, they would have formed no obstruction to the navigation of the river.

All the advantages which can be claimed for the plan of two dams, is presented, it is believed, in the considerations of the difference in the height of the water and in the height of the lock-walls and gates. The plan of one dam and lock is preferable on account

1st, of producing less delay and injury to steam boats in passing one lock than in passing two.

2d, of less delay to flat boats, and hazard of being drawn over the dam in descending the river.

3d, of greater amount of water power; and

4th, of greater economy in the cost of construction.

In making an estimate of the available power of a mill seat, 3 feet is usually deducted from the aggregate descent, for head and fall races. On the plan of two dams, the difference in the surface of the water above and below the dam at Hanging Rock would have been but 3 feet, and therefore valueless for all practical purposes. The available water power 6 feet at the lower site, on the same plan, but with one dam and one lock, there will be 9 feet fall available for propelling mill machinery; consequently if two dams and locks could have been constructed for the same cost, the single plan ought to have been preferred.

The cost of two however would have greatly exceeded that of one.

For Comparison: on the plan of two Dams and two Locks,

Cost of dam and lock at foot of Grand Rapids	\$138,825 93
Cost of dam and lock at Hanging Rock	132,782 60

Total 271,608 53

On the Plan of one Dam and Lock,

Cost of dam and lock near foot of Grand Rapids	166,928 55
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Difference \$104,679 98

The plan of one dam and lock was adopted, not only on account of the great difference of cost in its favor, but also of its greater utility. The height of the dam will be sufficient to give 3½ feet water over the highest points in the rock bed of the river at Little Rock shoals, without taking into consideration the influence the dam will have in backing the water that distance, and the height the water will stand on the

comb of the dam, both of which will probably be equal to 6 inches and give a depth of water of four feet over the highest rocks. The lock will be 175 feet long and 38 feet wide in the chamber, and of the same dimensions as those used in the Kentucky rivers which are now being improved. The lock is of sufficient capacity, with a rise of $2\frac{1}{2}$ feet in the river, to pass boats of 200 tons burthen, the size which includes the most numerous class, which navigate the Ohio, and at all times to pass boats drawing $3\frac{1}{2}$ feet water. The gates will be opened with capstans. The lock walls are 236 feet in length with piers of crib-work filled with stone and faced with plank, extending 180 feet above and below the lock, for protection walls.

The dam will be one thousand feet in length, built with cribs of timber filled with stone and covered with 6 inch plank. The site is on the sand rock bed of the river, and affords a good foundation for the dam. The rock is more firm and compact than that which is found above water in the vicinity. Care has been taken in the selection of the site to place the dam, sufficiently up the falls for the agitation of the water produced in passing the dam, to subside on its rocky bed, to prevent deep washing below; the formation of new sand bars, and to prevent the structure from being weakened and undermined. The dam is thus placed some distance up the falls, and as a necessary consequence the rock to some amount has to be excavated below. This selection of the site lessens the height the dam has to be built about $1\frac{1}{2}$ feet and adds greatly to its permanency. This rise in the rock occurs above the point where the water will be discharged for hydraulic uses, so that the fall secured by the erection of the dam is fully equal to 12 feet, 9 feet of which, making the usual allowance of mill wrights for head and fall, will be available for machinery with a supply of water greater than can be used for many years to come; sufficient at least, to propel 300 pairs of $4\frac{1}{2}$ feet millstones at seasons of the lowest stage of water and will not be suspended by floods more than six weeks in the year.

The dam will have some slight influence in backing the water of the river in medium floods, but this influence will be small, in higher staged floods, in which the water rises on the weir or comb of the dam, to something like one-fifth part of its common height. This influence of backing the water will be altogether lost; so that a dam has no effect in increasing the rise of freshets after they attain to a certain elevation; in such cases an increase of velocity at the place where the dam is located is the only difference which can be perceived.

The effect on smaller rises of a river must be very slight; for the water in a pool, even of miles in length in small floods, moves with a current that is scarcely perceptible, and the difference consequently of the elevation between the terminations of the pool must be small indeed. The banks of the river are generally from 19 to 20 feet above its bed, but with the exception of three or four places in the distance of eleven miles above the mouth of White river, in the highest rises of water, the whole valley bordering the Wabash, is overflowed for miles

in extent. The valley is very level and uniform in its surface, of a tough clayey soil, which affords a tolerable guaranty against currents, and the river forming new channels.

From the lock and abutments on each side of the river, guard banks can be cheaply constructed to high ground which never overflows; a fortunate circumstance in the location, which could not be found at any other place, within many miles. Almost immediately above the site of the lock, on the eastern bank of the river, a point of land composed mostly of sand rock, 20 feet above the highest floods, projects into the stream and forms a harbor on its upper side, where boats may land safely, without danger of being drawn over the dam. This projection of high ground is not so abrupt as to make it difficult to pass, but at the same time it influences the current from the point to the bend of the river on the opposite side, and protects thereby, the lock, from drift and ice. The bed of the Wabash for some distance, several miles above the Little Rock rapids, is deep and well adapted to become the reservoir of the sand, which must, in the nature of things, be deposited at the head of the pool.

Few places on the Wabash could be found so well adapted for the location of similar works, in which safety, convenience, and permanence are so well secured.

The Lock walls are designed to be built of the most durable materials, and in the best manner, as well as the abutments and the Dam.

The great amount of trade on the Wabash, obviously points to the necessity of doing in the most substantial manner, whatever is done, so that the work when put up will need no repairs or be of doubtful utility when completed. The plan is very similar to those used in Kentucky on their public works. Care has been taken to have the Dam, Lock-walls, and gates of such dimensions that they will resist the pressure against them, and the height of the gates not to exceed the limits in ordinary use for large locks in the United States and Europe, so that nothing should be left to conjecture, or the hazard of experiment. The difficulty of procuring stone of good quality, the quantity of materials to be collected at one point, the uncertainty of a proper stage of water for their transportation, and the necessity of having all the materials ready and prepared on the ground, before a commencement of any part of the structures in water can be made, induced the recommendation of letting out the delivery of the stone for the Lock and abutments. The letting for the materials took place on the 22d inst. and contracts were taken for the delivery of 7,000 cubic yards of stone, to be delivered by the 1st of June next at fair prices for the states, by two responsible companies, who have already entered with spirit upon the business of their contracts, and with an activity that promises well for their performance. The prices at which these contracts have been taken, would seem to insure the completion of the work, within the estimate made. Thus far building stone of a good quality has not been found nearer than Pottersville, 77 miles above the confluence of White river. There the quarries are fine for the massive structures for which the materials are wanted: none of suitable quality have been

found nearer to the site of the works although dilligent and laborious search has been made for that purpose.

The cost of the entire works is estimated at \$166,928 35. The whole is carefully calculated and put at such prices as is confidently believed, will insure the completion of the work in the most substantial manner, without exceeding the estimate one dollar.

It is expected that accordidg to agreement, the stone will be delivered by the first of June next, and that the main contracts for building the Lock, Dam and Abutments, may be let by the 15th of that month, so that the whole may be completed by the 1st of Nov. 1839. Ample provision has been made in the estimates for the use of the water power, in the construction of culverts and canals, for the conveyance and discharge of water to the sites where the mills will be erected. So great a power for hydraulic purposes, created in the heart of an extensive wheat growing country and adjacent to the beds of iron ore abounding in the valley of White river, cannot fail to insure to the states large profits. Its situation in a district of country where water privileges are extremely limited, will enhance its value, and being of so great extent, and within 12 hours voyage to the Ohio, will give it such claims to the attention of the public, as cannot in the nature of things, fail to point it out as extremely well situated for any kind of manufactures, in which water power is essential, and induce it to be extensively improved. In regard to the profits to be derived from the construction of the work, it will be sufficient to remark, that when completed it will probably stand on more favorable ground in regard to the revenue, which will be derived from it, than any other in either of the states. So soon as it shall be completed, a very moderate amount of tolls collected on the great trade of the Wabash, will render it profitable in the matter of revenue. But a very short time can elapse before the rents from the water power alone, will pay the interest on the cost of construction and keep up the necessary repairs and attendants. Leases for water power in Indiana, rent for \$150 per annum, for privilege of water for propelling one run of four and a half feet mill stones, eleven months in the year, and are readily sought for at that price. The eligibility of this water power for the manufacture of iron and nails, of paper, lumber, cotton, and flour, cannot fail in a short time to make it the source of a large revenue to the States. The benefits of the work to the country can hardly be appreciated. Great confidence is felt, that to the present navigable portion of the year of the Wabash river, it will add at least three months to that time, for the upper part of it, and that when the obstacles to the navigation shall be removed in this section of the river, there will be more inducement for the business of steam boats in the summer season; and that but a very short time in each year will be found in which light draught boats, suited to the commerce, will not make their regular trips from the upper country to its mouth. Nor will the benefits cease with the extension of the navigation, and the rents and tolls which will be received; the introduction of property, the investment of capital to a great amount in manufactures, will swell the revenue of the states, add greatly to the aggregate of their wealth, and to the prosperity and convenience of their people.

The disbursements made in locating the works, examinations for stone, purchase of instruments, tools, &c. amount to \$1,464 68—\$732 34, or one half of the whole sum has been paid out of moneys furnished by each commissioner of the respective states, as per reference to the accounts and vouchers rendered, which with the plans and estimates of the work in detail, are herewith respectfully submitted.

D. BURR,

Principal Engineer Wabash River.

Mount Carmel, Illinois, Nov. 28, 1837.

To the Honorable

the Board of Internal Improvement:

GENTLEMEN—

As the season for active operations on the public works has been measurably brought to a close by the return of winter, the undersigned in discharge of duties belonging to his station, respectfully submits to the Board of Internal Improvement, the following report in relation to the progress of the several Improvements, and the operations of the Engineer Department thereon during the past year:—

WABASH AND ERIE CANAL.

At the date of my last annual report, that portion of line extending from Huntington to La Fontains's creek was nearly completed, with the exception of the Locks, which had been delayed in consequence of the difficulty of procuring stone. These structures were finished during the early part of the season, the upper portion of this line was immediately filled with water and on the 4th of July boats were passed as far west as the town of Wabash. By the middle of July the lower levels had also become filled, and the navigation was extended to La Fontain's creek, since which period, boats have made regular trips, between that point and Fort Wayne, a distance of 62 miles with very little interruption.

The division extending from La Fontain's creek to Logansport is likewise so nearly completed that the water has already been introduced and the passage of boats is prevented only by a few days work which remain to be performed at two of the Locks. It is supposed that there will be nothing to prevent a regular navigation of the canal from Fort Wayne to Logansport, so soon as the ice may be removed in the spring. The distance between these two points by the canal is 76 miles nearly, and if we add to this St. Joseph feeder 6 miles and 34 chains, which has the same dimensions as the main line, we have in round numbers 82½ miles as the total length of canal now ready for navigation.

Two breaches occurred in the canal below Huntington, during the time of filling it with water, one at the Bluff 4 miles below Huntington, and the other at the Bluff near the town of Wabash. These are casualties inseparable from newly made canals, though their occurrence may be rendered less frequent and disastrous by proper activity, vigilance and practical judgment on the part of the Engineer or Superin-

tendent immediately in charge. There have been no breaches worth naming during the past season on that portion of the line which had been for a longer period filled with water, which is evidence of the greater compactness that the banks are acquiring. The Wabash dam No. 3, situated a quarter of a mile above Peru, which last year was reported in an unfinished and hazardous condition, sustained considerable damage during the winter, one hundred and fifty feet of the body of the dam having been carried away by the ice freshets. This, together with other losses during the progress of the work, occasioned by the frequent and sudden rises, to which this river is peculiarly liable, have increased very much the cost of this work. It has however been completed during the past season, excepting 40 feet of covering timber on the upper slope which has not been placed. This Dam is 400 feet in length between abutments and 11 feet high from low water. It will turn into the canal an ample supply of water, both for navigation and hydraulic purposes, as far down as the point where the canal enters the pool of Dam No. 4, in which the crossing of the Wabash is effected. A feeder has been constructed from the pool of this dam to the canal 15 chains in length, in which a Guard Lock of cut stone has been built for the purpose of regulating the introduction of the water, and of admitting into the canal the boats and other craft, which may descend the Wabash or Missinnewa river. The river at this point furnishes more water than the canal can pass, and in order to make this surplus available for manufacturing purposes, a series of wooden culverts have been constructed under the Guard Bank with sliding gates at the upper end, to shut down in time of floods. This structure will be durable as it is placed below the surface of low water in the pool.

The line from Logansport to Georgetown, is nearly ready for the admission of the water, with the exception of the aqueduct over Eel river. The masonry and timber work of this structure are well advanced, and it is supposed the water may be passed over it, and the navigation extended to Georgetown by the 1st Sept. next.

Wabash Dam No. 4 near Delphi, has progressed during the past summer with a degree of energy and judgment highly creditable to the contractor, but the low water season proved too short to admit of its completion. The abutments have been nearly finished, and 153 feet of the eastern portion of the dam has been raised to its full height and covered. Throughout the remaining 437 feet, the crib work has been raised 4 feet above low water and filled with stone. In this condition it must remain until the low water season of the year. It is to be regretted that the work must be left in this exposed condition. It may not receive great injury as the bed of the river is composed of solid rock.

The materials for the Deer creek dam are chiefly prepared, although but little has been done towards putting them to their place. One abutment has been commenced and raised 6 feet high. But little has been done towards the construction of the Wild Cat dam, further than the delivering of a part of the materials.

The heavy embankment at the Birmingham Bluff has been prose-

cuted with sufficient energy. The lower section of this Bluff has been completed. The construction of the canal along the Falling Spring Bluff, the most difficult point on this line, has not progressed so well, in consequence probably of the abandonment of the contract by the original contractor. The contractors now engaged in this heavy work will no doubt prosecute it with vigor.

The difficulty of procuring stone in the Wabash valley, suitable for mechanical structures, has been alluded to in former reports. This inconvenience has been felt on the lower as well as the upper part of the line. Six of the locks in the vicinity of Delphi, which had been contracted for upon the composite plan, (the walls formed of stone with timber facing) are now being constructed entirely of timber, in consequence of the failure of the stone quarries relied upon at the time of letting. The manner of building one lock near Georgetown has been changed from the composite plan, to cut stone, a quarry having recently been discovered in that vicinity, which it is supposed may answer for cut work.

Laborers have been scarce on this line during most of the past season. The effective force including the teams, and reducing their performance to manual labor has been equal to 1105 men, including the whole from Huntington to Lafayette, and averaging the whole business season.

That portion of the line extending from section No 50, near Huntington to the end of Sec. 122, near La Fontaine's creek, 35 miles and 27 chains will cost about \$507,769, averaging \$14,368 per mile, agreeably to estimates made by the Engineer, founded in nearly every instance, upon accurate final settlements. The estimates made to contractors on this portion of line, up to the 20th November last amounts to \$501,557, leaving labor to be performed, to the value of \$6,212. The sum paid to superintendents for repairing breaches and in securing and strengthening the canal up to this date, amounts to \$4,690, which should be added to show the true cost of the canal. The cost of repairing breaches and of sustaining the canal until the banks become settled, rightfully belongs to the construction, rather than to the item of repairs.

The total cost of line from Sec. 122 to the end of Section 163 near Georgetown, a distance of 21 miles and 4 chains, estimated from similar data is \$257,091 or \$12,214 per mile nearly. Of this sum \$236,765 have been estimated to contractors up to 20th Nov. leaving work to be done to the estimated value of \$20,326 at contract prices.

West of Georgetown only detached portions of the line have been let out, embracing the heavy work. Between this point and the end of section 202, the point originally selected as the temporary termination of the canal near the mouth of Tippecanoe, there are 19 sections under contract, besides the Wabash dam, No. 4, embracing 9½ miles of line, which at present contract prices, are estimated to cost \$294,592. The labor performed up to the 25th of Nov. has been estimated at the sum of \$109,193, leaving work yet to be done to the value of \$185,399.

Of the extension of the Wabash and Erie canal from the Tippecanoe to Lafayette, 14 sections are under contract, embracing a distance of 6½ miles, the estimated cost of which, at contract prices, is \$156,367. The estimates of work performed on these sections up to 25th Nov. last amount to \$87,115, leaving work to be done to the value of \$69,252. These estimates on the several portions of line, do not include the cost of Engineering and other superintendence.

It will be observed that the actual cost of the line from Huntington to Georgetown, is somewhat greater than the estimates presented in former reports, which were founded upon the then existing contracts. The great advance in the price of labor and provisions since 1834, produced by the expansion of the currency, which is always the measure of value, together with the failure of the crops, caused the abandonment of many contracts, which were re-let at advanced prices. This, in addition to the great expense of procuring suitable stone in the Wabash valley, adverted to in last year's report, will account for this increase of cost. The *quantities* of work to be performed, as estimated before the letting, are found to agree very nearly with the final measurements.

During the month of April last, that portion of line extending from Fort Wayne to the Ohio state line, was permanently located and prepared for contract. This line is of the plainest character. The aggregate lockage is 22 feet, divided into three locks, the first of which has been located one and a half miles east of Fort Wayne, terminating the summit level at that point. The plan of location, designated in my report of Dec. 15, 1835, as the high level, has been adopted in order to meet the location east of the state line, which had previously been determined upon by the Ohio Board of Public Works. I have recommended that the first lock east of the summit be built of cut stone. The stone can be brought by canal from the quarry at Salamonia to a point within one and a half miles of the lock site, from which they must be taken by land carriage. The streams on this line being of the smaller class will be crossed by means of submerged wooden culverts. This portion of the canal has been laid out 60 feet wide at the surface and 6 feet depth of water, agreeable to the order of the Board on that subject.

The whole line east of Fort Wayne, 19 miles and 31 chains in length, is estimated by the resident Engineer, to cost at present contract prices \$289,336, averaging \$14,888 per mile, exclusive of superintendence. The estimated value of work performed up to the 30th November last, is \$16,111, leaving \$273,225 as the value of work now under contract on this division. This line may be finished and boats passed from Lafayette to the State line by the fall of 1839.

For more particular information in regard to the operations on the Wabash and Erie canal, I beg leave to refer the Board to the reports of Messrs. Fisher, Wilson, and Davis, the resident Engineers, in charge of the line. These reports contain much interesting detail, which I could not embody in this report, without making it too voluminous.

WHITE WATER CANAL.

The construction of this canal, from Brookville to Lawrenceburgh, 30 miles and 64 chains in length, has been successfully prosecuted during the whole season with an effective force averaging about 975 men.

Six sections embracing $3\frac{1}{4}$ miles, besides numerous other small portions of the line have been completed and made ready for the admission of the water. Eleven sections, in addition, embracing $5\frac{1}{2}$ miles it is believed will be finished by the 1st of January next. Most of the heavy jobs are well advanced. The abutments of dam No. 1, at Harrison, have been raised 8 feet above low water, and the materials for the body of the dam are partly prepared. Dam No. 2, at McCarty's Bluff is not so far advanced, very little having been done towards its construction. Dam No. 3, across the East Fork at Brookville, has been completed in a satisfactory manner. Several of the Locks are nearly finished, and most of the remaining ones have been commenced. Eight culverts have been completed. Ten sections were abandoned last spring by the original contractors and re-let at an advance of about 25 per cent.

The aggregate cost of the line from Brookville to the Basin at Lawrenceburgh, at present contract prices, is estimated by the Resident Engineer at \$472,134, exclusive of the cost of superintendence.

The aggregate value of labor performed on these contracts up to the 29th November, as shown by the monthly estimates of the engineer, amounts to \$233,313, leaving labor still to be done to the value of \$233,821.

The progress made in the construction of the work generally on this line, justifies the belief, that canal boats may be passed from Brookville to Lawrenceburgh by the 1st October next. With a view to this object, I have suggested that all backward jobs be declared abandoned and re-let, unless an adequate force be promptly put on by the present contractors. The report of the Resident Engineer, which will be submitted to the Board, will furnish information more in detail in regard to this line.

The Resident Engineer, when he could be spared from the superintendence of the contracts, has been engaged in extending the surveys and location above Brookville preparatory to placing it under contract. The character of the route as far north as the National Road is now so well understood, and the plans of construction so well matured, that very little labor will be required to make it ready for letting. The location which has been made, although done with much care and judgment should not generally be viewed as a final location, so as to preclude any alteration should other examinations or the results of another year's experience suggest any improvement in the line.

A survey of the East Fork canal from Richmond to Brookville, has been made by S. Torbert, the Resident Engineer on the White Water line, whose report will be submitted to the Board within a few days.

CENTRAL CANAL—INDIANAPOLIS DIVISION.

The work on this line has progressed during the past year with much energy. An effective force of about 750 men have been employed. Agreeably to the estimates of the Resident Engineer, the aggregate value of work performed up to this date at contract prices, exclusive of superintendence, amounts to \$227,552, and the amount remaining to be done to \$139,599, giving \$367,151 as the cost of the whole line when finished, including four additional sections not under contract at the date of last report, making in all a distance of 25 miles and 19 chains.

The dam across White river, designed to furnish a supply of water for this division, has been prosecuted by the contractor in a faithful and energetic manner. The whole bed of the river, between the abutments has been excavated to the depth of $3\frac{1}{2}$ feet below low water, and the foundation of the dam, which is composed of brush and un-hewn trees, as high as low water mark, has been placed and secured by laying on the first course of the crib work and filling the cribs with stone. The foundation of Fall creek Aqueduct has been placed, and the abutments and piers commenced. The locks and other heavy jobs are generally well advanced. For farther detail in respect to this line reference may be had to the Report of T. A. Morris, Resident Engineer.

This division may readily be finished and the water introduced by the first September next.

In my report of last year it was stated that the location of the line at Port Royal Bluffs, had been deferred until the several plans which presented for passing this obstruction could be more fully examined, and their relative advantages and cost ascertained. These examinations have since been made, and the several plans which it was deemed necessary to examine may be understood by reference to the accompanying map. They may be described as follows:

Plan No. 1. An independent canal along the face of the bluffs locking down at the lower end, and receiving a feeder by means of a dam raised 6 feet above low water. Total cost \$40,618; length of line 1 mile and 49 chains.

Plan No. 2. An independent canal along the upper bluff, locking into the pool of the dam at the head of the lower bluff, making slack water for the distance of 51 chains, the dam being raised 7 feet above low water. Total cost \$28,598 upon this plan, length of line the same as in plan No. 1.

Plan No. 3. Entering the pool at head of upper bluff, and passing the whole obstruction, by means of slack water. Upon this plan the dam must be raised 8 feet above low water, to give sufficient depth at head of bluff. The length of slack water will be one mile and a quarter. Total cost \$24,584, length of line same as No. 1. These sever-

al estimates do not include the cost of lockage, that item being alike to every plan.

From the facts of the case as here stated, it was deemed advisable to adopt the plan last described, the saving of expense being so great as to outweigh any evils which may be supposed to belong to the slack water. The dam will be 360 feet long and 8 feet high, measuring from low water, and will be built on a gravel bottom. Stone and other materials required in its construction, are found convenient to the site. In the extension of the canal south from the bluffs, this dam will furnish the necessary supply of water.

The plans for bringing into use the water power created at Indianapolis by the construction of this canal, have been definitely arranged. The whole descent from surface of canal to low water of White river is 32 feet. This has been divided into two falls, the first 18 feet and the other 14 feet. At the upper fall, the water may be used on an overshot wheel of 16 feet diameter; at the lower fall, if an overshot be used, its diameter should be but 10 feet, so as to be above the rise of moderate freshets. On an overshot wheel of 16 feet diameter, 175 cubic feet of water per minute, will drive a pair of 4½ feet mill stones, together with the necessary apparatus for manufacturing flour. With a wheel of 10 ft. diameter, 280 cub. feet will be required.

The minimum discharge of White river, 7,600 cub. feet per minute, as may be seen by reference to my report of 1835. The ordinary low water discharge is however seldom reduced below 10,000 feet. Deducting 2000 feet for the supply of this division of the canal to the next feeder, and there remains 8000 feet to be passed over these wheels; which estimating from the data here given will drive 46 pairs of mill stones at the upper fall, and 23 pairs at the lower fall; in all 74 pairs, or other machinery equivalent thereto.

Machinery at the upper site will be the more valuable, inasmuch as it will not be interrupted by high water, and is approachable by canal boats. For this reason the upper power has been made the greater in the division of the fall.

CENTRAL CANAL--SOUTHERN DIVISION.

Laborers have been less abundant on this division, especially during the spring and summer, than on most other lines in the state. The operations of contractors were much hindered during the early part of the season by the accumulation of water on the surface of the ground, the face of the country being remarkably level and the soil an imperious clay. Both these difficulties were in a great degree removed during the latter part of the season, and the work has consequently progressed with greater vigor. Four sections, embracing about two miles of line having been completed and accepted, and several other sections require little more than trimming of the banks. According to the estimates of the Resident Engineer, work had been performed, from the commencement up to the 29th November, to the value of \$100,543 while there remained to be performed labor to the amount of \$143,627 to complete the jobs now under contract, giving \$244,170

as the total estimated cost of these contracts. The average force employed on this division has been equal in effect to 180 men.

Judging from the progress heretofore made, it is supposed that the line will be completed from Pigeon Dam to Evansville, a distance of 19 miles, by the summer of 1839.

The report and tabular statements furnished by the resident Engineer will afford information more in detail in respect to this line.

The Board are aware that the Pigeon feeder will not furnish a supply of water during the dry months, and that this division of canal can be of but very little use, until the whole line shall be completed to the White river feeder in Greene county, a distance from the Ohio river of about 93 miles. This being the case I would recommend that when another letting may be ordered, it shall embrace the heavy jobs between the forks of White river and the head of Pigeon, such as the two deep cuts on the Patoka and Pigeon summits, and the crossing of the valleys of the East Fork and Patoka, together with other heavy embankments, leaving the lighter work to be put under contract at a subsequent period. The jobs here named will be very expensive and may require greater length of time, by twelve or eighteen months, than is usually allowed for the completion of ordinary work.

CROSS-CUT CANAL.

The operations at the Feeder Dam across Eel river, which is perhaps the most important, as well as the most difficult undertaking connected with this line, have been so frequently interrupted by sudden freshets, to which this stream is peculiarly subject, that less progress has been made in its construction, than might have been expected. It is believed, however, that the Resident Engineer, who has taken immediate charge of the work, has evinced a praiseworthy zeal in its prosecution, and that the contractor has likewise made every reasonable exertion to forward it. Both abutments after much difficulty have been securely founded and raised above low water mark, and a large portion of the materials delivered for the body of the dam. Great efforts should be made to complete this dam next season. If the summer be favorable it may be accomplished.

The excavation of the deep cut at the summit has been prosecuted with much zeal and energy and will no doubt be completed by the present contractors in due season.

Only two of the locks on this line are under contract. Some progress has been made in quarrying and cutting stone for these locks, though no masonry has yet been laid. The stone are of a durable quality and will form substantial masonry, though the cost of quarrying and dressing will be great.

One section, half a mile in length, has been completed and several others are very nearly finished. Seven sections were abandoned by those to whom they were first assigned, and have been re-let (except one section) at advanced prices.

The average effective force employed during the season, has been

equal to 296 men. The aggregate monthly estimates of work performed up to 30th November last, amounts to \$86,995. The Resident Engineer estimates that the sum of \$214,361 will finish all existing contracts if completed at present prices, which added to the amount of estimates already made, gives \$301,356 as the total cost of the work heretofore placed under contract on this line exclusive of the cost of superintendence.

The construction of this division will create a valuable water power at Terre-Haute, for the use of which it will be the interest of the State to provide. The fall from surface to low water of the Wabash, has been ascertained to be 46 feet. There will probably be no surplus water at this point at extreme low water, but as that stage continues but a very short period in Eel river, it is believed that the power will justify the investment of capital. Deducting six weeks for extreme low water, it is believed that 3000 cubic feet per minute may be delivered at Terre-Haute, for the remainder of the year, which if properly applied on overshot wheels, with the fall here stated, will drive 37 pairs of 4 1-2 feet mill stones.

The report of the Resident Engineer, which will be submitted to the board, will give further details in relation to the progress of this line.

MADISON AND LAFAYETTE RAIL ROAD.

In the month of September last it became the duty of the undersigned, in obedience to the order of the Board of Internal Improvements, to extend his general supervision to the rail roads and M'Adamized roads of the State, which up to that time had been restricted to the canals. As the location and plans of these works had been previously determined, so far as the lines are now in progress, it did not become necessary for me to offer any advice in relation to these particulars, and the examinations which I have made, have therefore been confined to a mere inspection of the style and manner in which the mechanical work was being performed. And it is proper for me here to acknowledge the willingness and promptitude with which every necessary explanation in regard to the location and plans of the work, was given by the Resident Engineers on the roads, during my first visit to the lines under their charge.

There are some particulars in respect to the location of this road, and the plans of the work, not given in former reports, to which I will briefly advert, supposing this to be a matter of some interest, especially to those members of the Board not immediately in charge of this improvement.

Among the circumstances connected with the location of a rail road, calculated to affect its usefulness, the grade and horizontal curvature are most essential. In proportion as high grades can be avoided in the profile of the road, the transportation in each direction being nearly the same, and the horizontal position made to approximate a direct line, will the power and efficiency of the road be increased, other circumstances being the same. The propriety of reduced grades and curva-

ture has become so manifest from the experience of the country, especially where the use of the locomotive Engine is contemplated, that in all locations recently made on important routes, much greater expense has been encountered for the purpose of effecting these objects, than was formerly supposed necessary or judicious. This may account in part for the increased cost of many rail roads now in progress, beyond what had previously been supposed necessary. To preserve a proper medium in the location, between cheapness of construction as an object of importance on the one hand, and the capacity and efficiency of the road when finished, on the other, is a point which must always require the exercise of a sound discretion and an enlightened judgment.

A table embracing much information in relation to the grades and curvature of this road, so far as the same is now under contract, has been furnished me by Mr. Beckwith the Resident Engineer, and is appended to this report for the examination of the Board, and marked No. 1.

By an inspection of this table, it will be perceived that of the road now in progress, 22 1-7 miles nearly, leaving the inclined plane out of view, a distance of 2 1-5 miles has been laid upon a perfect level, that 5 1-6 miles of the remaining distance have a grade not exceeding 10 feet per mile, that 3 3-10 miles have a grade over 10 and not exceeding 20 feet per mile, that 4 3-10 miles have a grade over 20 and not exceeding 30 feet per mile, and that the remaining distance, 7 1-5 miles has a grade over 30 but not exceeding 40 feet per mile, this being the maximum inclination allowed on the road.

In respect to the horizontal curvature, it will be seen also, by the same table, that about 18 4-5 miles of this road exclusive of the inclined plane, have been laid upon a direct line; that of the remaining distance, 3-10 of a mile nearly, have a curvature drawn with a radius varying from infinity to 5,730 feet—that 2-7 of a mile of the curved line has been laid with a radius varying from 5,730 feet to 2,865 feet—that 9-10 of a mile have a curvature formed by a radius from 2,865 to 1910 feet, and the remaining distance of 1 4-5 miles have a radius of curvature varying from 1910 feet to 1146 feet, which is the shortest curvature admitted on any part of the road.

The inclined plane at Madison is 7,012 feet in length (1 1-3 miles nearly) and overcomes an elevation of 413 feet, rising at the rate of 5.90 feet per hundred feet. Its direction is perfectly straight, admitting of the application of stationary steam power, which in reference to the future is doubtless proper, though the period is believed to be remote, when resort to this kind of power will be necessary. At the commencement of business, however, it is designed to use horse power, from the commencement of the road in Madison to the head of this plane, a distance of 2½ miles nearly.

The inconvenience of the use of the road resulting from this plane will be much less than if situated on any other part of the road than at one extreme. At the extreme of a town of any considerable size it is customary to use horse power, leaving the locomotive engine at the contiguous depot.

The character of the country over which this division of the road passes, was so fully and so aptly described in the report of Mr. Pettit, made last year, that any thing further on this point is unnecessary. Suffice it therefore to remark, that the road passes at right angles to the drainage of this section of the State, and that the numerous branches of the Muskakatack into which the drainage is collected, taking their rise above the line, have worn deep channels into the plain of the country, presenting great unevenness in its profile. Over a surface like this, grades suitable for a rail road cannot be obtained without considerable expense.

Commencing at the south end of the line, the first valley encountered of much consequence is that of Middle Fork, which is crossed by a bridge of two spans, each 150 feet in the clear, the pier being 67 feet high to the road way, and the abutments which are placed out of the bed of the stream and on the adjoining slope, averaging 33 feet in height. The next is Big creek, which is crossed by a structure similar to that just described, the piers being 66 feet and the abutments averaging 35 feet in height. The valley of Graham's Fork is the next obstruction of this kind, which has been crossed by three spans of 150 feet each, the height of the piers being 80 feet and the abutments 34 feet. Next in order are North and South Forks of the Muskakatack which unite at Vernon, and are crossed just above their junction by two bridges, each with two spans of 150 feet in the clear. The piers of each of these bridges are 57 feet high, and the abutments average 45 feet in height.

It should be remarked here that the great length of these bridges seems to have been given rather to save the expense of very high embankment, than for the purpose of passing the streams, they being quite small in comparison with the length of the structure. Adjoining each of these abutments there are high embankments, though not of great length, the deep part of the valley being narrow, and the descent towards the streams abrupt.

The abutments and piers of these bridges, as far as they have progressed, have been formed of substantial stone masonry of the style commonly denominated "rock work." The beds and end joints of the stone being truly cut, and the faces left rough as they come from the quarry. Fine quarries of limestone are found immediately at the site of each of these bridges. The character of the masonry generally is such, as will answer well the purposes for which it was designed. The plan of superstructure adopted for these bridges, consists of three truss frames for each span of 150 feet, composed of king posts and braces, aided by a double set of ribs, the whole so arranged that the roadway will be carried over the top instead of through the interior, as in ordinary bridges. The sides will be weatherboarded, and the upper surface calked and pitched so as to be rendered impervious to water.

The cost of grading on this portion of the route has been increased on account of the rock which forms the substratum of the country, and which is met with the excavation of many of the ridges. where the

cutting is deep. The expensive character of this division of the road however is given to it chiefly by the great cost of covering the hill, which skirts this portion of the Ohio river, as stated in the report of Mr. Pettit. The ravine selected as the route of the road is irregular in its direction and formation, presenting several spurs, projecting from the main hill with depressions between them. In order to maintain the proper grade of the inclined plane, and at the same time preserve its straight direction, so as to admit of the use of stationary power, it becomes necessary to cut through these projecting spurs, which are composed generally of rock, using the material excavated, in forming heavy embankments across the intermediate ravines. For this purpose temporary railways are laid on the road bed, on which the material excavated is carried in the descending direction into the embankments, with great facility by its own gravity alone. The depth of cutting required through the highest point is 117 feet, which however descends very rapidly to the level of the roadway, making the whole length of extra cutting only 700 feet. At the time of letting, the idea of tunneling through this ridge was entertained, but the ultimate decision was in favor of an open cut—the adjoining embankment requiring all the material which such a cut will furnish. Another projecting point, similar to the one just described, is cut through to the depth of 76 feet on the summit, which is also very short. At the foot of the hill, the valley of Crooked creek is crossed by an embankment of 76 feet high and 500 feet in length.

The construction of this road, so far as under contract, has been prosecuted with great vigor. The average force of operatives employed during the season has equalled in effect the labor of 1400 men. Portions of the grading, amounting in all to 15 miles, have been completed. Of the five most important bridges, the masonry of two has been raised to the chord line, and of three others to the springing of the arch. The masonry of the other bridges is well advanced, and considerable progress has been made with the superstructures of the bridges. Of the culverts all excepting one are finished.

The total value of work performed up to the 27th Nov. last amounts to \$394,765, and the labor which remains to be done to prepare the road for the track, at contract prices, amounts to \$338,092, according to the estimates of the resident Engineer. Adding these sums together we have \$732,857 as the total cost of grading and bridging on the first 23.25 miles of the road at the prices fixed in the present contracts. This statement includes one and a half miles of road, not under contract at the date of last year's report. In addition to the grading and bridging, as here given, contracts have recently been entered into for the delivering of the timber for a single track on about 21 miles of road which amounts in the aggregate to the sum of \$38,605 upon which nothing has yet been estimated. The width of the road bed as estimated is 24 feet, being intended for a double track. From the progress already made, it is supposed the formation of the roadway may be completed, a single track laid down, and the passage of cars

from the head of the plane to Vernon, commenced before the next annual meeting of the Board.

The plan of superstructure adopted for this road may be briefly described as follows: Two longitudinal bearing timbers 8 inches thick and 10 or 12 inches in width are laid down, one under each rail, in trenches prepared for that purpose and adjusted to the proper level. Across these bearing timbers a distance of 3 feet apart from centre to centre, sleepers 6 inches deep by 8 inches wide, are placed and firmly secured to the bearing timbers in suitable notches with the necessary fastenings. Across these sleepers and immediately over the bearing timbers, the iron rails are placed and secured in cast iron chairs, at the joinings, which complete the track. The rail which has been selected by the acting commissioner is the malleable iron edge rail of the T form, its greatest depth being $3\frac{1}{4}$ inches, and its weight 45 lbs. per yard in length of single rail, giving $75\frac{1}{2}$ tons, including fastenings, &c. as the weight of iron required for one mile of single track with the necessary turnouts.

It will be perceived that in this plan of superstructure, while the advantage of a timber foundation in giving stability to the track by its continuous bearing is secured, the amount of timber exposed to rapid decay is comparatively small. This is considered an object of much importance in this country, where no timber can be procured more durable than white oak. The bearing timbers being covered with earth, to the depth of 3 or 4 inches, will be preserved longer than if on the surface. The cross sleepers will require renewal probably once in six years, which can be done without removing much earth.

The first cost of the track might have been considerably diminished by adopting the flat bar rail resting upon a wooden string piece. A track of this description, however in comparison with the edge rail forms but an imperfect road, requiring more expensive repairs, and the propriety of adopting it on improvements constructed by the state, may well be questioned. The great object sought to be accomplished by the construction of a railway is the formation of a *perfectly uniform, hard, straight, and inflexible* surface for the passage of the wheel. The edge rail of the form which has been adopted, approximates much more nearly the result arrived at than the flat bar.

This improvement has evidently been commenced on the most expensive portion. A glance at the map of the state will show, that while the southern portion of the road runs transversely to the valley and ridges of the country, as before described, the remainder of the route, for much of its extent corresponds in its direction with these valleys, which circumstance will reduce materially the cost of grading. It is confidently expected, that in the extension of the road, especially from Columbus to Indianapolis, important reductions in their ratio of grades, as well as a diminution of cost will be realized.

When the road shall have been completed from the head of the plane to the last named place, if carried out upon the same substantial plan, upon which it has been begun, it will compare favorably with

most of the important roads in the country in respect to its efficiency, and the celerity of conveyance that may be attained.

The location and plans of the road have all been adapted to the exclusive use of steam as the motive power, north of the inclined plane. Of the propriety of this there can be no doubt. The cost of the horse path is thereby saved, the delay and confusion arising from the simultaneous use of both steam and horse power will be avoided, the character of the road elevated, by the greater despatch in the conveyance of passengers, and as a necessary consequence its usefulness and profits increased.

A report from the Resident Engineer, accompanied by tabular statements, containing much interesting detail in relation to the progress of this work, is herewith submitted to the Board.

NEW ALBANY AND VINCENNES M'ADAMIZED ROAD.

In the month of October last I passed over this road from Paoli to the Ohio river, accompanied by the Resident Engineer, to whom I am indebted for much of the data upon which the following brief statement is based.

The aggregate amount of force engaged on the road from the Ohio river to Paoli has been equal in effect to 1115 men. The grading is well advanced, twenty miles having been completed, and made ready for the metal. The west abutment of Blue river bridge has been raised nearly to its full height. The east abutment has not yet been founded. The masonry of Big Indian creek has been completed in a style which is creditable to the builder. Both the masonry and the wooden superstructure of several smaller bridges have been completed.

The total value of work performed on this division, up to the 22nd November last, according to the estimates of the Resident Engineer, is 177,399 dollars, and the amount required to complete the contracts, is 67,611 dollars, giving 245,010 dollars as the total cost of grading and bridging on this division, exclusive of the cost of superintendence.

In the grading of this road, much care appears to have been exercised in providing ample side ditches to secure the proper drainage of the road bed, and the whole of the work, as far as it has progressed, seems to have been performed in a neat and creditable manner. The masonry generally is similar in its style to that on the Madison road, and with few exceptions appears to be substantial.

The largest streams intersected by the road are Blue River and Big Indian Creek, the former of which is crossed with a single span of 120 feet, and the latter with a span of 80 feet. The abutments in both cases are composed of substantial masonry, and the wooden superstructure constructed upon the *Burr* principle. Besides these, there are several streams of a smaller class, the larger of which are crossed by covered bridges with 40 feet span, of a simple construction, while others are passed with open bridges of 20 feet span, all resting on permanent stone abutments.

In the place of these bridges of the smaller class, I have advised, for future operations, the construction of permanent arched culverts from 10 to 20 feet chord, formed of coursed rubble masonry. With proper economy in the arrangement of the plan, the quantity of masonry in these culverts, may be so far reduced, that their cost will probably not exceed that of the perishable structures just described. The arches should generally be semicircular, without abutments, this being the form of structure which will afford a given sectional area for the passage of the stream, with the least possible quantity of masonry. An arch of this description, under an ordinary embankment, does not require to be loaded with backing, its variation from the equilibrated curve under the pressure of the superincumbent mass, being so inconsiderable as to produce no practical evil. Where the stream affords water in dry seasons, sufficient to preserve such a foundation, the arch should spring from a timber platform, extending entirely across the span. Over streams that become entirely dry, the arch should spring from a foundation of broad flag stones, with a pavement under the vault to guard against the strong current.

I may remark here that I have recommended the same method of construction for similar streams on the other roads of the state as a substitute for the more expensive plans with heavy abutments, which have very generally been adopted on the public works of the country. The plan is the same upon which all arches under 30 feet chord have been constructed on the canals of this State as well as those of Ohio.

The principal obstruction to the formation of a road with suitable grades, on this route, as well as on the Madison road, is presented in the elevated country which bounds the Ohio valley. The high range of hills, generally termed "*the knobs*," which commences near the mouth of Silver creek and stretches westwardly, defining the immediate valley of the river, on the north, is found to be, where the road crosses it, about 450 feet above high water mark at New Albany. To pass this obstruction, even with the highest ratio of grade admissible on a turnpike road, will necessarily be expensive. After crossing this range of hills, the road thence to Paoli passes over a country generally undulating, and in some places quite hilly, abounding every where with quarries of excellent limestone, suitable either for the masonry of the bridges and culverts, or for the metalling of the road.

By a statement of the grades which have been established for this road, furnished me by the Resident Engineer, it appears that of the 41½ miles east of Paoli, 29½ miles nearly, have a grade varying from the horizontal line to 2 degrees inclination, that of the remainder 3 1-3 miles have been laid with a grade of 2½ degrees, that 1 1-3 miles have a grade of 3 degrees, and that the remaining 7 1-4 miles have a grade of 3 1-2 degrees, which it appears is the maximum adopted for this road.

The general course of the road is remarkably direct considering the character of the country. Except in one instance, there is no curve of a less radius than 600 feet.

I have not had an opportunity of examining that portion of the route

extending from Paoli to Vincennes. The acting commissioner has however, made a survey of this part of the road, and will be able to communicate to other members of the Board, any information which they may desire in respect to the adaptation of the country, to the construction of a M'Adamized road.

The proper location of a M'Adamized road, though it may allow greater latitude, and is certainly less complicated in its details than the location of a rail road or canal, is nevertheless a subject well worthy the attention of the engineer, and which demands, at his hands, in every instance, a thorough investigation. The topography of the country, especially if hilly, should be fully understood, and the different routes which may offer, should be carefully surveyed and estimated so that a just comparison may be instituted between them in respect to their cost, their length, and the grades of which the ground will allow.

The importance of reducing the grades, as much as the surface of the country will allow, must be obvious. The objections to extreme grades, are in their nature, if not in degree, the same as are urged against high grades on rail roads, inasmuch as the objections in both cases are founded on the same fixed mechanical principles. A high grade, accruing only at a few points, must ordinarily limit the load of the teams throughout the whole extent of the road, which must increase the cost of transportation. Beside this, it should be recollected that heavily loaded wagons, in descending a grade exceeding $2\frac{1}{2}$ or 3 degrees, will generally pass with a wheel locked which very soon must injure the metal covering.

There is an essential difference between a Rail Road and a Turnpike in respect to the necessity of avoiding horizontal curvature. The velocity attainable on a turnpike being so much less than is common on Rail Roads, curvature, except it be very abrupt, causes no essential inconvenience. With this latitude in respect to the horizontal position of the road, allowing the frequent change of direction, it will generally be found practicable even in an undulating country, to limit the grades to 2 or $2\frac{1}{2}$ degrees by winding around the hills, rather than going directly over them. The increase of distance caused by the circuitous location, if kept within reasonable limits, would be an inconsiderable evil in comparison with the inconvenience of high grades. Admitting for illustration that in reducing the grade on any short portion of road, from $3\frac{1}{2}$ to 2 degrees, the distance be increased by the more circuitous location, 5 or even 10 per cent, it is believed that the value of the road would be enhanced by the change. Any animal, whether traveling singly or drawing a given load, if required to make the trip in a given time, will be less exhausted, if he follow the more circuitous route on the lower grade.

Impressed with the importance of this subject and the correctness of the views here given, I would respectfully recommend to the Board, the propriety of further examinations on that part of the road not yet placed under contract, with a view to reducing the grades as far as may be found practicable, without any material increase of cost.

If the Board should authorize a re-survey to be made by the Engineers of certain portions of the route west of Paoli, it is quite probable that the grades might in some instances be reduced, and the acting commissioner after the reports and comparisons of such survey were submitted to him, would have before him data, from which he could determine the location more understandingly. It will be perceived that I do not purpose to reduce the grades of the road by adding to its cost, but rather by "*winding the hills*" and increasing slightly the distance.

Should the Board determine to commence the metaling of this road, the propriety of first letting out short portions adjoining the towns of New Albany, Greenville and Paoli is respectfully suggested. By this course the contractors and citizens along the road, most of whom are probably unacquainted with this branch of the construction, would become familiar with its value, competition at subsequent lettings would thus be induced, and the cost of metaling consequently diminished. I herewith present to the Board a report from Mr. Frazer, the Resident Engineer on the road, containing much detail in regard to the progress of the work, together with some important suggestions in respect to the location and construction, to all of which I beg leave to refer.

JEFFERSONVILLE AND CRAWFORDSVILLE ROAD.

The re-examination of the route of this road, with a view to ascertain the cost of a rail road, and the adaptation of the ground to that kind of improvement, which was ordered by the Board at their last meeting, has been delayed in consequence of the difficulty of obtaining the services of Engineers of experience and acknowledged ability. I have now the satisfaction of stating that Sylvester Welch, of Kentucky, and Samuel Forrer, of Ohio, have consented to join me in this examination, and that a report upon this subject will probably be submitted to the Board in the course of a few weeks.

In consequence of the engagements of the Resident Engineer, on other parts of this route, I have received no specific information in relation to the progress of the work under contract between Jeffersonville and New Albany.

PRELIMINARY SURVEYS.

By an order of the Board, adopted January last, the Principal Engineer was directed to organize an exploring and locating party, to be employed in advance of the contracts, in making such preliminary surveys of the several canal routes, as might be deemed necessary to their proper final location, commencing with the Central Canal. In fulfillment of this order, such party was organized and placed in the field early in March last, under the immediate charge of Mr. S. Holman, in whose judgment and qualifications for this service the fullest confidence may be felt. Previous to the commencement of the survey,

I made a reconnoissance of the whole route from Martinsville to the head of Pigeon, from which, together with important aid derived from the report of Mr. Cleveland who surveyed this route in 1835, the general outline of the location was determined and communicated to the Engineer in charge by a letter of instructions. In presenting a report of this examination, I propose to describe first, that portion of the route lying south of the lower White river feeder, which forms properly the

Southern Division of the Central Canal.

The southern division of this canal in many of its characteristics, differs from ordinary locations. An engineer charged with its final location, and the adjustment of the various plans connected with it, can not but feel that he has assumed a responsible duty. The fact that the supply of water for the entire division, 93 miles in length, must during the dry months, be received from one source, and introduced wholly at one extreme of the line, together with the necessity of conducting this supply, for a portion of the distance by a route at right angles to the drainage of the country, passing the valleys by high embankments and the intermediate ridges by deep cuttings, are circumstances, which though they do not affect the practicability of the work, must increase its cost, and will call for unusual care and precision in arranging the levels and plans of the canal.

The supply of water for this line being the most important inquiry connected with the subject, first claimed attention. The whole extent of country lying between White river and the Ohio, and which is drained by the Patoka and Pigeon rivers, has a clay soil, resting in many parts upon a sandstone basis. From such a surface, the water which falls, during the rainy seasons, instead of passing by filtration into the earth, and there forming reservoirs for the supply of springs and durable streams during the dry seasons, as is the case in gravelly or sandy soils, flows at once into the streams, and is immediately carried off in the form of floods. As the natural consequence of such a process, the streams of this section of country are found to rise to a great height during wet weather, while in the dry months of August and September they are reduced to mere rivulets. It is very evident therefore that a supply of water for this portion of canal cannot be collected from the region of country through which it passed, except it be by the construction of extensive reservoirs, as the only reliance during the dry season—a method of supplying canals which cannot be recommended, when durable streams are available at any reasonable cost. The supply of water for the line south of White river must therefore be brought from the West fork of that stream, at a point where it is sufficiently elevated to command the table lands between White river and Patoka.

The point selected for the introduction of this feeder is half a mile below the village of Newberry, near the south line of Greene county,

and 93 miles and 16 chains from the termination of the canal at Evansville, being the same point recommended by Mr. Cleveland. The river several miles below this point, is high enough to command the summit, but to receive the feeder further down, would take the canal out of the proper direction and increase its cost, in consequence of the great western bend made in this portion of the stream.

Having determined the point from which the water must be taken, and ascertained the length of line to be supplied from this point, the next subject of inquiry presented was the requisite size for the upper part of the canal, and the rate of inclination, which should be given to the bottom in order to pass forward a sufficient quantity of water without creating a current which would too much impede the ascending navigation. To accomplish this object, and to secure at the same time an uniform depth of water throughout the whole extent of the long levels, which occur in the central portion of the line, will require that in the construction of the work, the sectional area of the canal, and the descent in the bottom should be nicely adjusted to the quantity of water to be passed. For the present survey and estimate it was deemed sufficiently accurate to assume one inch per mile, as the descent for the canal from the feeder to the south end of Pigeon deep cut. From the feeder to the lock near Maysville, a distance of 20 miles and 17 chains, the dimensions of the canal were enlarged so as to give 5 feet depth of water, 43.50 feet width at surface, and 26 feet width at bottom, giving a sectional area of 173.75 feet. Thence to the south end of the Aqueduct over the East Fork, a distance of 11 miles and 68 chains, the depth of water has been fixed at $4\frac{1}{2}$ feet, the width at surface 41.75 feet, and the width at bottom 26 feet, the sectional area being 152.43 feet. South of the aqueduct the canal has been estimated of the ordinary dimensions, with a sectional area of 132 feet.

If 9000 cubic feet of water per minute be introduced at the feeder and passed through the canal with these dimensions, the velocity will not exceed five-eighths of a mile per hour at any point. This velocity, however, will be diminished on many portions of the line by the enlargement of its dimensions beyond the minimum size, reducing the average current probably below half a mile per hour. As the heaviest transportation will be in the direction of the current, such a velocity as this cannot be considered objectional.

The quantity of water required to supply the leakage and evaporation on the whole line (the soil being unusually impervious to water) may be estimated at 7,500 cubic feet per minute, leaving a considerable surplus for hydraulic purposes, on the bank of the Ohio. The amount of water power at each lock on this line, especially towards the upper end, must also be great. The whole volume of water necessary for the supply of the lower part of the line, in passing from the upper to the lower level, may as well descend over a water wheel as in any other manner.

Where the supply of water for so great a length of line is brought wholly from one extreme, it will be found more difficult to keep up a

regular and uniform depth of water on every part of the line, than if feeders were introduced at several points. A deficiency of water on the lower levels of the division, which may often occur from some accidental interruption, cannot be so speedily remedied, as on ordinary lines, inasmuch as sometime must elapse before the additional supply can be passed forward from so remote a source. The same inconvenience, but in a greater degree, will be felt after the canal may have become emptied by the occurrence of a breach, a contingency to which all are liable. To guard against this inconvenience as far as may be practicable, it is proposed to construct, in connexion with the canal, at some part near the centre of the division, a regulating reservoir, into which the surplus water which may at times be past through the canal, will flow, and from which it may be drawn out in small quantities for the supply of the lower part of the line as the contingencies alluded to may make necessary.

A suitable situation for a small reservoir has been selected in the valley of Flat creek on the north side of Patoka. An embankment across this valley near its junction with the Patoka, 22 chains in length and 16 feet in height will form a reservoir 2 miles long with an average width of 15 chains, covering when full about 208 acres, and containing 55,221,000 cubic feet of available water, which would be nearly sufficient to fill the whole line of the canal south of this point twice; or it would be adequate to furnish the whole supply of the canal from this point to the Ohio for twelve or fifteen days, should the supply from White river by any cause be wholly cut off for so long a time. The canal will be located along the west side of Flat creek valley, the towing path forming the western boundary of the reservoir throughout its whole length, and the top water line of the canal corresponding with the surface of the reservoir when full. A lock at the lower end of the reservoir of 7 feet lift, will be dropped, making it available to the depth of seven feet for the supply of the line south of this point. The surplus water of the canal will be passed in the reservoir by a series of gates placed in the towing path, which can be closed, in case of a breach in the reservoir bank, so as to prevent the draining of the canal. It is supposed that the winter and spring floods of Flat creek will be sufficient to fill the reservoir, requiring from the canal only enough to supply the loss by evaporation and leakage during the summer. But should this expectation fail, the canal may be drawn upon during the spring months to make up the deficiency. The reservoir may be filled from the canal alone, independent of the floods of Flat creek, in the space of 26 days.

The proper adjustment of the levels on the expensive portion of the route lying south of White river, with a view to the cheapest and safest canal, was made a subject of investigation. The ridge which divides the waters of White river from those of Patoka, which has been designated as the Patoka summit, and the ridge on the south side of Patoka separating the waters of that stream from those of Pigeon, which will be termed the Pigeon summit, crossing the route of the canal as they do at right angles to its course, may be ranked among

the principal barriers to its construction. A line of levels was run along the summit of both these ridges for 6 or 8 miles, both east and west, from the former survey; but no point was found so much depressed as the gaps selected by Mr. Cleveland. The point of crossing those ridges was therefore determined. Shafts were then sunk at several points to the depth of 30 feet, in order to ascertain the character of the material to be removed. At the Patoka summit after passing through clay of the usual kind, solid sand stone was found, at the depth of 15 feet below the surface of the ground, at the highest point, declining gradually in each direction from the summit. At the Pigeon summit no rock was found, the whole of the material to be removed being common clay.

The wide valley of the East Fork, lying north of the Patoka summit, and having to be crossed by the canal on an expensive embankment, before it reaches the summit, limits the height to which this level may be raised. In adjusting the level for this summit, so as to give the cheapest canal, estimates were made upon several plans, and critical comparisons instituted. From this it appeared that the proper level for the Patoka summit would be that which would give 31.50 feet cutting on the ridge and 16.30 feet as the average height of embankment across the East Fork valley. This level is 7 feet higher than that recommended by Mr. Cleveland.

The Patoka valley, which must be crossed by the canal before it reaches the Pigeon summit, limits in like manner the elevation, to which the level can be raised through the deep cutting of this ridge. By a comparative estimate instituted between different elevations for this level, embracing the deep cut as well as the high embankment at Patoka and other valleys, it was ascertained that the excavation and embankment would be nearly equalized and the cheapest canal obtained by adopting a level for this summit, which would give 30 feet cutting at the highest point, and 18 feet as the height of the embankment in the Patoka valley. This level is 7 feet lower than that adopted for the Patoka summit, requiring a lock between the two deep cuts, which accords with the recommendation of Mr. Cleveland.

The plan of the canal on this division, and the general principles by which the location should be guided, having been thus established, the immediate execution of this plan, and the details of the survey and estimates were confided to the locating Engineer, upon whose report to me, the following description of the line as well as the estimates of the cost are predicated.

In these surveys the Engineer acted under the advice and direction of Mr. Graham, the Acting Commissioner, from whose previous knowledge of the country much aid was derived.

The White river feeder dam at the head of this division will be 400 feet long and 12 feet high from low water. The bed of the river for two thirds the distance from the east side is composed of solid rock, and it is supposed the rock may be found at no great depth under the gravel for the remaining distance. The feeder from this dam will be 4 chains in length. A guard lock will be constructed in the feeder, through

which canal boats may pass into the pool of the dam; thus extending the advantage of canal navigation to both sides of the river above this point.

Ninety-five chains below this feeder the line crosses Slinkard's creek. As the highest floods of the river at this point will be eleven feet above bottom of canal, it would be very difficult to secure either an aqueduct or culvert against the upward pressure caused by the greater height of the water on the outside of the canal during these floods. A dam crossing with the necessary guard lock, was therefore deemed safest for this stream.

From this point, after passing some deep cutting, a very cheap and safe location has been obtained through the Owl Prairie to Maysville, descending in this distance to the level of the East Fork aqueduct, by 5 locks, overcoming in the aggregate 33 feet fall. Prairie creek is crossed on this division, by an aqueduct with 2 spans of 25 feet each.

From Maysville to the north side of the East fork valley, a distance of seven miles, the line is located generally at the base of the hill, which rises abruptly. The surface from which the towing path will be raised, varies from two to 14 feet below bottom of canal. At three points, on this part of the line, the slope of the towing path will extend into the river, requiring protection for 21 chains in the aggregate. Veal's creek is the only large stream crossed, which will be passed through a stone arch of 26 feet chord. The embankment across the valley of this creek will average about 10 feet high to bottom of canal, for 45 chains.

The aqueduct over the East fork of White river will consist of 7 spans of 48 feet each in the clear. It will be formed by a wooden trunk, resting on abutments and piers of cut stone masonry. The surface of low water is 36 feet, and the highest floods 12 feet below the bottom of canal. The south abutment and most of the piers, will be founded on solid rock. The embankment across this valley will average 16.30 feet in height to bottom of canal, for a distance of one mile and 62 chains, and will contain 852,921 cubic yards.

After reaching the high ground on the south side of the East fork, the line turns abruptly down the river, following the course of the bluff, for about 54 miles to the mouth of Pride's creek, the base of the towing path for this distance varying from 3 to 15 feet below bottom. The last 13 chains of this bluff is composed of sandstone and washed by White river. The canal at this point will be constructed by excavating its prism chiefly out of the rock, using the material thus obtained, for the necessary protection. Near this point the line leaves the river nearly at right angles, following up the valley of Pride's creek by the town of Petersburg, with a line generally of favorable character, to the deep cut at the Patoka summit.

The length of this deep cut, from the north end where there is five feet cutting, to the same depth at the south end is one mile and 46 chains; the greatest intermediate depth being 31.50 feet. The total quantity of material to be removed is 290,869 cubic yards, 61,902 yards of which is solid rock, and the remainder common earth. The char-

acter of the rock appears to be friable unstratified sandstone. Its occurrence at this point while it will augment the first cost of the work, may materially diminish the cost of repairs by removing the liability to slips and deposits of earth, which are often the source of much expense, as well as vexatious delay in the navigation.

From the end of this deep cutting, the line follows down the west side of Flat creek, the towing path forming the western boundary of the regulating reservoir as before described. At the south end of this reservoir a lock of 7 feet lift is dropped, terminating the Patoka summit level, which is maintained from a point 3 miles above Maysville, to this place, a distance of 22 miles and 62 chains.

The line soon after leaving this lock, bears down the Patoka valley, crossing that stream, immediately below the mouth of the south fork, on an aqueduct with three spans of 36 feet each, the trunk to be formed of timber and supported by stone abutments and piers. The surface of low water in the Patoka is supposed to be 35 feet and the highest floods 17 feet below bottom of canal. The embankment across the valley will average 16.30 feet high to bottom of canal for a distance of 61 chains, requiring 303,454 cubic yards of earth.

After crossing the Patoka, the line leaves the valley of that stream, and crossing several of its smaller tributaries, with heavy embankments, reaches the deep cutting at the Pigeon summit. The greatest depth of cutting at this point is 30 feet, and the whole length of the deep cut from the depth of 5 feet at the north end, to the same level on the south, is one mile and 70 chains. The aggregate quantity of earth to be removed is estimated at 309,902 cubic yards.

At the south end of this deep cut, the survey was terminated after connecting with the location made last year by Mr. Voorhies. From this point to Evansville, a distance of 34 miles, the line is of the most favorable character, following the Pigeon valley. The Pigeon summit level extends from the lock north of the Patoka to the south end of this deep cut, a distance of 14 miles and 62 chains.

It will be observed that the line here described crosses the Patoka about 3 miles further down the stream than the original survey, by which change a saving of distance has been effected of 4 miles and 13 chains. By crossing below the mouth of the south fork, the embankment across that valley is saved, which is more than equivalent to the increased height of the Patoka embankment, this being only five feet.

It is not presumed that the levels with which the line from Maysville to the head of Pigeon has been run, are certainly the best that can be adopted for this uneven country. The time allotted to the survey, did not allow of those minute comparisons which the character of the line requires, and which will undoubtedly be made in preparing the line for contract. A more thorough acquaintance with the character of the material in the deep cuts is necessary to the proper final decision of this question.

In the prosecution of these surveys, it was believed to be an object of public as well as local interest, that the line should be so located as

to pass through the town of Washington, the seat of justice of Daviess county, and with this view several lines were examined and their probable cost estimated. The most favorable route that could be found, passing near this village, was estimated to cost \$136,545 more than the Maysville line, and would increase the distance about one mile and three quarters.

The length and height of the embankment across the East fork valley, at the point where the original line crossed, suggested the propriety of examining the valley at other points, with a hope of finding a more favorable crossing. About 4 miles above the former crossing, a point was discovered, where the embankment across the valley would cost less than at the lower crossing by the sum of \$89,162. A line was then surveyed with a view to reach the upper crossing, diverging near the head of Owl Prairie, passing 24 miles east of Washington, to the south bank of the East fork. The country south of this point in a direction towards Petersburg, was found so high as to present no practicable line for the canal. Hence this survey was confined to the valley of the East fork, following down the bluff which forms the southern boundary, intersecting the Maysville line about 17 chains below the point where it crosses the river. Three deep cuts of considerable magnitude are encountered through the ridges, which divide the several streams crossing the route north of the East fork. These, together with the high single bank required south of the river, swell the cost of this line so much as to overbalance the saving effected in the crossing of the East fork valley. From a careful estimate of both lines, the following results were ascertained, to wit: eastern line 30 miles, 16 chains in length, total cost \$603,872 32. Western or Maysville line, 25 miles and 62 chains in length, total cost, \$535,565 16; showing a difference of 4 miles and 34 chains in length, and of \$68,307 16 in cost in favor of the western line.

The route of the canal south of Greene county, is not well furnished with stone suitable for the mechanical structures, the formation being generally a friable sandstone, which disintegrates by exposure. Limestone is sometimes found, but in most instances of an imperfect character. The locks between the White river feeder, and the head of Pigeon, 6 in number, are therefore estimated of timber. These, together with three aqueduct trunks, and the abutments of one small aqueduct over Prairie creek, are all the structures of any consequence on the whole of this division, which are supposed to be perishable. The smaller class of streams are all crossed by means of submerged timber culverts, which are considered durable. This plan of placing the whole structure of the culvert below low water of the stream, was extensively adopted in the construction of the Wabash and Erie canal, and has answered well during the three years which have elapsed since parts of that canal have been in operation. Oak timber is very abundant on every part of the line, except for a short distance through Owl Prairie, where it must be obtained probably three miles from the line.

The great height of the abutments and piers, at both the East fork and Patoka, makes it necessary that they should be formed of substantial masonry. These structures have been estimated accordingly. The stone for the East fork aqueduct will be brought by water from the fine limestone quarries which are said to abound along the banks of this river, perhaps 30 miles above the crossing. For the Patoka aqueduct, the estimate has been made upon the supposition, that stone suitable for backing, can be found in the valley of the South fork, near its junction with the main stream; the face stone to be obtained up the East fork, and brought by water to some convenient landing on White river, nearest the work, from which they must be transported in wagons to the aqueduct, a distance probably of 8 miles.

The estimated cost of the several sections on this division, with a description of the work on each, may be seen by the annexed abstract. The aggregate cost of the several portions of this line, including an addition of 7 per cent. to cover superintendence and contingencies may be stated as follows:

	Miles.	Chains.	Lockage.	Cost.
From the White river Feeder, at Newberry, to Maysville, - - -	23	30	33	\$230,888 97
Thence to routh end of deep cut at Patoka summit, - - -	20			718,044 05
Thence to end of present survey near the head of Pigeon, - - -	15	66	7	521,956 56
Total,	59	16	40	\$1,470,889 58
To which add that portion of the Pigeon line not under contract, as surveyed last year by Mr. Voorhies, - - -	14		37	207,870 00
Add also the aggregate cost of the line under contract, at contract prices, - - -	20		15	244,170 00
Total length and cost of the Southern Division from White river feeder to Evansville,	93	16	92	\$1,922,929 58

Average cost per mile \$20,632 30 nearly. Average lockage per mile one foot nearly.

Survey from the mouth of Eel River to the head of Southern Division.

In commencing this examination at the mouth of Eel river, as was contemplated by the order of the Board, it appeared necessary to have some reference to the plan upon which the Cross-cut and Central canals would be brought together, and particularly to the level upon

which the intersection should be made. The examinations of last year on the Cross-Cut had shown that the feeder proposed to be introduced from Eel river at Rawley's mill, would be insufficient to supply the canal to the mouth of the stream, and that the expense of another dam and feeder below that point, must be incurred, if there be no other resource than Eel river. With these facts in view, it seemed important to unite the two canals on a level as high as the character of the route would allow, in order that a considerable portion of the Cross-cut canal, by continuing the level of the intersection up the valley of Eel river as far as practicable, might receive its supply of water from White river, through the central canal. A further saving of expense will be effected by uniting the canals on a high level in the item of lockage. With a view to these objects, and in order also that the canal might be carried across either White river or Eel river, on an aqueduct, a level 5 feet above the January flood of 1828, was adopted as the level upon which the junction will be formed. By this arrangement the Cross-cut canal may be so located as to draw its supply of water for the lower ten or twelve miles from the Central canal, which will remove the necessity for any feeder from Eel river below Rawley's mill.

With this level the survey was commenced near Point Commerce, on the west bank of White river, and immediately above the mouth of Eel river, and continued thence directly across the valley of White river, by an aqueduct, and high embankment, to Mr. Cleveland's line on the east side. This portion of line, if the east side of White river be adopted throughout for the Central canal, will form a part of the Cross-cut canal, the intersection being formed on the east side.

The line was then continued down the east side of the valley to the head of the Southern Division, near Newberry, passing about 1-3d of a mile west of Bloomfield. This line is generally of a favorable character with the exception of 5 bluffs washed by the river, amounting in all to 99 chains along which the embankment will require protection from the current. Richland's creek and Doan's creek are the only streams to be crossed of much size, the former requiring an aqueduct with two spans of 34 feet each, with a wooden trunk resting on stone abutments and piers, and the latter an arch of 22 feet chord.

In the course of making the examinations on this line, it was discovered that the west side of the valley below the mouth of Eel river, is better adapted to the construction of a canal. - Believing it to be my duty to present to the Board all the facts that could be collected in relation to the subject, I directed Mr. Holman also to survey and estimate a line on the west side of White river between these points.

Diverging from the survey just described, at Point Commerce, this line crosses Eel river by an aqueduct with four spans of 38 feet each, and passes along the west side of the river to a point about four miles above the Newberry Dam where it crosses White river in the pool of that dam with a towing-path bridge, using this pool, as a canal with a towing-path on the east bank to the head of the feeder, through which it connects with the Southern Division. The whole length of this slack

water is 3 miles and 75 chains, the depth of water varying from 12 to 15 feet with a dam raised 12 feet above low water, the surface of the river at a low stage will be raised 9.50 feet at the head of slack water. This route was found to be very favorable and cheap. The embankment is in no case exposed to the river floods, so as to require protection. The only stream of any consequence crossed by the line on the west side, besides Eel river, is Latta's creek, requiring an arch of 18 feet chord; Doan's creek empties into the slack water on the east side, and will require a towing-path bridge.

The stone found in this portion of the valley, as far up as the north line of Greene county is chiefly sandstone, but of a quality superior to that found further south. By selecting the best quarries, and building with heavy courses, substantial masonry may be constructed with this stone. The Locks and other mechanical structures, from the mouth of Eel river to head of Southern Division, have therefore been estimated of cut-stone masonry. The aqueducts over White river and Eel river, will be formed by a wooden trunk, resting on abutments and piers of cut stone masonry, for which suitable stone can be found within half a mile of the sites. On this portion of the route there will be no perishable structures, excepting the aqueduct trunk and lock gates.

The estimated cost of these several lines, with the addition of 7 per cent. for superintending, &c. together with their length, and the amount of lockage may be stated as follows:

Line on east side, from station opposite Point Commerce on the aqueduct level, to head of Southern Division, at the Newberry dam—length 15 miles 39 chains, lockage 42.50 feet, cost \$265,959 64.

Line on west side from Point Commerce, to meet the same point—crossing White river in the pool of the dam and embracing the slack water—length 16 miles 36 chains, lockage 42.50 feet, cost \$221,275 34.

Extension of the Cross-cut Canal from Point Commerce to meet the line on East side, crossing White river on an aqueduct, distance 2 miles 35 chains, without lockage, cost \$99,322 34.

Should the west side be adopted for the Central canal, the extension of the cross-cut here given will not be required, the junction of the two canals being in this case formed on the west side of the river. It will be perceived therefore, that a fair comparison cannot be instituted until surveys and estimates are made, on both sides of the valley above the mouth of Eel river. When these surveys shall have been reported, they will furnish, if taken in connexion with the information given in this report, all the facts necessary to enable the Board to settle every question that can arise in reference to this whole subject.

In comparing the advantages and disadvantages of the two sides of White river as here presented, the fact that the line on the west side crosses that stream in the pool of a dam, and that occasional inconveniences may result from that mode of crossing, should not be overlooked.

1. Taking the result as here given on the west side from the mouth of Eel river to the mouth of the Newberry feeder, and adding thereto the

total southern division as stated on a preceding page, and it will give 109 miles 72 chains as the length, and \$2,144,205, as the total cost of the Central canal from Eel river to the Ohio, averaging \$19,510 per mile. The aggregate lockage from a level 5 feet above January flood of 1828 at mouth of Eel river to the Evansville plain is 143½ feet, giving an averaging of 1.22 feet per mile.

It will be observed that the estimates of cost now presented, exceeds in amount those made by Mr. Cleveland in 1835. The solid rock at the Patoka summit not ascertained in his survey, which makes a higher level necessary across the wide valley of the East Fork, together with the general advance in the cost of labor, are the principal causes of this difference.

At the present time I am not in possession of any further information, in regard to the line north of Eel river, except what was collected during the very hasty reconnoissance made last spring. I discovered no valuable building stone above the north line of Owen county, at which point the limestone region commences. There is perhaps no part of the country better supplied with excellent building stone than the route of the canal, through the whole extent of Owen county. The river here cuts through the limestone ridge or belt, which, commencing as far north as Putnam county, stretches across the State in the direction of the Falls of Ohio, widening out very much as it approaches that river.

Maps and profiles both of the Central and Cross-Cut canals, as described in this report are now in progress and will be submitted in a few days.

Surveys of the Cross-Cut Canal.

The resident Engineer on this canal was directed to employ as much of his time as could be spared from the construction, in extending the surveys eastward from the summit level, with a view to determine the proper location. He was directed to run a line on each side of Eel river from Rawley's mill to the mouth, to examine the plan of intersecting the Central canal at or near Bloomfield, as had been proposed by the citizens of that place, and also to make a survey of the country south of Eel river with a view to forming the junction near the mouth of Black creek, as contemplated in the law authorizing this work. The surveys of these several communications have been accomplished by Mr. Ball, to whose report, which is hereto appended, and marked No. 3, I beg leave to refer for the results in detail.

From that report it will be perceived that the junction of the two canals cannot be formed at or near Bloomfield without increasing very much the cost, and that the plan of leaving the valley of Eel river, and intersecting the Central canal near the mouth of Black creek, is wholly impracticable. The length and estimated cost of line, on each side of Eel river, from the mouth of Eel river feeder to Central canal, may be stated as follows:

North side, crossing Eel river in the pool of the dam to be built at

Rawley's and uniting with the Central canal at Point Commerce, on west side of White river, on a level 5 feet above January flood of 1828, length 22 miles 46 chains, lockage 33 feet, cost \$282,783.

South side, receiving a feeder from Eel river at Rawley's and forming the junction with Central canal at Station No. 6, of Holman's survey, on the south bank of Eel river, on a level 2 feet above January flood of 1828, length 23 miles 44 chains, lockage 36 feet, cost \$235,755.

It will be perceived that the decision between the two routes in the valley of Eel river must depend wholly upon the location of the Central canal. If that canal be located on the east side of White river the Cross-Cut canal will no doubt follow the north side of Eel river, crossing White river just above the junction of the two streams; but if the west side be adopted for the Central canal, the connection will, in that case, be more cheaply formed by continuing the Cross-Cut on the south side of the stream.

Should the Central Canal be located on the west side of White river, the junction of the two canals may be made on a level 3 feet lower than if the east side be adopted, inasmuch as Eel river may be safely crossed by an aqueduct, on a level 3 feet lower than would be required for the crossing of White river. The statements of cost, lockage, &c. in respect to both the Cross-Cut and Central canals, have been given with a view to this difference of level.

The portion of line extending from the commencement of this survey to Terre-Haute, including the Eel river feeder, the heaviest work upon which is under contract, is estimated by the Engineer in charge, at the sum of \$450,886, including the cost of superintendence. If the south side of Eel river be adopted, and the junction formed on the west side of White river, as here described, the total cost of the Cross Cut canal will be \$686,641, and the length of main line 42 miles 77 chains. Including the navigable feeder, the whole length of line is 48 miles 41 chains, which gives an average cost of \$14,154 per mile.

Surveys on Erie and Michigan Canal.

A corps of Engineers under the charge of William B. Mitchell has been employed during the past season subject to the general directions of the acting commissioner in extending and completing the surveys of this canal with a view to ascertain its cost, and determining its probable location. This party have been so much detained by sickness that a report in detail of the survey could not be prepared in time to accompany this communication. When this report is received it will be immediately submitted to the Board. In the mean time I am enabled to state from a personal examination of the country, as well as from information received from the locating Engineer, that the route is highly favorable in its general features to the construction of a cheap and safe canal. The necessity of passing round on the south-western slope of the high ridge dividing the waters of the Kankakee from those of the lake, renders the line very circuitous in reaching Michigan City. The distance by the survey from Fort Wayne to Michigan City is 173 miles and 51 chains. The lockage west of the Elkhart

summit to the lake level is 323.65 feet, and east of the summit to the summit level of the Wabash and Erie canal 142 feet, giving a total lockage of 465.65 feet, equal 2.68 feet, per mile nearly.

Under the authority of the law of last session, I made a reconnaissance in September last, in company with the acting commissioner, of the proposed extension of this canal to the west line of the State, with a view to its ultimate connection with the Illinois and Michigan canal. In this examination we were so fortunate as to meet with two members of the Board of Commissioners, and the Principal Engineer of the Illinois canal, to whom we are indebted for much information in relation to the country, as well as for full explanations of the plans proposed for forming this connection so far as depend upon that State, a survey of which has already been made by the Canal Commissioners under legislative authority.

It is a peculiar feature in the country bordering on the southern extreme of Lake Michigan, that its streams after approaching near the lake, suddenly change their course and run in a direction parallel with its shore. This singular formation has no doubt been produced mainly by the prevalent lake winds, which operating at this point with accumulated violence, have thrown up successive ridges of sand, conforming in all cases to the curve of the lake shore, between which the waters find their only channel. The Calumet river, which is formed chiefly of the drainage of Porter and Lake counties, approaches within one and a half miles of the lake in Porter county, from which point, being checked by the sand ridges, it runs westwardly nearly parallel with the lake shore for a distance of 30 miles, and then turning eastward very abruptly, finds its way to the lake at a point a half mile west of the State line. About six miles above its junction with the lake, the stream divides, and a portion of its waters in time of floods are passed off through a capacious channel, generally termed the Grand Calumet, which runs nearly due east between the Calumet proper and the lake for a distance of 16 miles, uniting with the lake near the east line of Lake county. This extraordinary formation is alluded to here from its being favorable to the objects of this examination, as these valleys by running parallel with the direction of the route present, along their slopes, a suitable location for a canal. The description here given, and the character of this connection will be better understood by reference to the accompanying map of the country bordering on the southern extreme of the lake.

The survey which has been made by the State of Illinois, as we were informed by the Engineer, diverges from the Illinois and Michigan canal at a point 24 miles west of Chicago, and passing through the Sauganask swamp intersects the Calumet river at the rapids, from which point the supply of water will be drawn. From the rapids the survey follows up the south bank of the Calumet to the line dividing the two States. The length west of our State line will probably be 27 miles, the whole of which has been located on a level 9½ feet above the surface of Lake Michigan.

The portion of line to be constructed by Indiana to perfect this

communication, will probably be about 24 miles in length, diverging from the Erie and Michigan canal as surveyed in the valley of Salt creek, probably not far from Valparaiso, and passing either by the way of the Grand Calumet, or a few miles farther south along the valley of the Calumet proper. Sufficient information has been collected to warrant me in saying, that a remarkably cheap and safe location can be had by one or other of these routes, although an estimate of the cost cannot now be given, as no actual survey has been made.

The high sand ridges lying between the upper waters of the Calumet and the lake, may present an obstacle to the adoption of the Grand Calumet route, though these have not yet been examined with the instrument. The existing law seems to contemplate no other examination than that by way of the Grand Calumet, and should that route prove impracticable, it may be doubted whether there would be authority for the survey of the southern route. Under these circumstances it is thought the public interest would be promoted if farther discretion were given to the Board in respect to this examination.

From the best data now at command, the whole distance of canal from the Illinois and Michigan canal to the Maumee Bay is estimated at 300 miles.

The direction of this improvement and its probable connection at the western termination with the Illinois canal, as well as with Lake Michigan, affords ground for the belief that at a future period, not very remote, it will become important as a general thoroughfare, as well as advantageous to the country through which it passes. The extensive region of country lying west and south-west of Lake Michigan, embracing the valleys of the Upper Mississippi and Illinois rivers, is said to be rich in natural resources, and will within a few years, without doubt, contain a numerous population, whose commercial relations will be chiefly with the cities of New York and Philadelphia, through Lake Erie, as a common channel. And for the purpose of reaching the west end of Lake Erie, this canal will offer facilities that must secure to it a considerable share of the transit trade. Though it is admitted that for heavy articles the lake route will afford a cheaper conveyance than any artificial channel that can be devised, yet the fact that the canal will be free from ice perhaps a month earlier in the spring, the saving of time, in comparison with the circuitous route by Lake Huron and the perfect safety of such a conveyance, are advantages which will cause much of the trade, more especially the merchandize to seek this channel.

Surveys for a Canal to Connect the White-water and Central Canals.

In accordance with the order of the Board, the locating party immediately after completing the surveys on the southern portion of the Central canal, was transferred to this line.

Previous examinations had shown that the principal difficulty in opening a water communication between these canals would be found in providing for a supply of water for the high table land, between

White-water and Blue river, near the sources of Flat Rock—this summit being near 80 feet higher than the summit between Blue river and White river. The surveys made during the season have therefore been directed to this object.

The direct route from Cambridge, on the White-water canal, to Newcastle on Blue river, was first examined. A level was assumed for the Flat rock summit that would give 26 feet cutting on the dividing ridge, and which was found to be 142 1-2 feet above the White-water canal at the National road. Upon this plan a line of canal was surveyed from Newcastle to Cambridge. Examinations were then made to ascertain the length of line dependent upon sources lying above the summit level for a supply of water, and also the extent of our resources available for the supply of this demand. A feeder line was surveyed to White river, and up the valley of that stream to a point 1 1-2 miles above Winchester, where the stream was found sufficiently elevated to command the Flat Rock summit level.

From these surveys, the length of line dependent upon the summit for a supply of water, was found to be as follows:

Main line from mouth of White river feeder to Cambridge,	25 miles
From Mouth of feeder north to the point where a feeder may be received from Buck creek on a lower level	2 miles
Length of White river feeder	22 miles
Total requiring a supply from sources above the summit level	<hr/> 49 miles

Which at the usual allowance of 100 cub. feet per minute per mile for leakage and evaporation during 365 days, will require 2,575,440,000 cub. ft.

Add to this the necessary lockage water to pass 50 boats per day, across the summit with locks of 6 feet for 300 days, embracing the business season 243,000,000 cub. ft.

Total yearly demand	<hr/> 2,818,440,000 cub. ft.
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The only streams available for the supply of this demand, are the head branches of White river and Flat Rock. The area of country drained by these streams, above the level of the summit, has been estimated at about 98 square miles. In my report of last year, to which I beg leave here to refer, the results of experiments were given, going to show that the aggregate annual drainage which flows from a given area of country may be estimated at 11 inches in depth over the whole surface drained. Estimating from these data, and deducting 10 per cent. for loss from reservoirs by evaporation, we have 2,253,968,640 cubic feet, as the aggregate quantity of water available for this summit.

Admitting that suitable sites could be found for reservoirs, in which the whole drainage of the country could be retained, (which however

in this case would not be a safe conclusion,) there appears still to be a deficiency in the yearly supply of 564,471,360 cubic feet.

Having thus ascertained that a canal on the direct route, would be wholly impracticable, a second line was examined upon the principle of depressing the summit level 30 feet, following down the valley of Blue river some distance, crossing the National road near Buck creek and intersecting the White-water canal near Milton. This plan was found to be scarcely more favorable than the direct route,—for altho' by the depression of the level, the quantity of the available water is increased, yet this advantage is nearly balanced by the increased length of the line to be supplied—the depression of the level making it necessary, in order to avoid deep cutting, to follow a very circuitous route. The total length of line to be supplied from the summit level upon this plan, including main line and feeder, is 59 miles; and the area of country, the drainage of which could be made available for this purpose, amounts to 132 square miles. Estimating both the demand and supply from these data, and upon the principles adopted in regard to the direct route, there will appear a yearly deficiency of 308,082,400 cubic feet, showing conclusively that this route also is impracticable.

A third line has been examined upon the plan of placing the summit level 53 feet lower than that of the direct route, and passing down the valley of Blue river, crossing the National road about 5 miles east of Knightstown, and Flat Rock 3 1-2 miles below Louisville, and intersecting the White-water canal 3 miles south of Milton.

The supply of water for this route would be drawn from a reservoir, which it is proposed to form in the large wet prairie situated about 8 miles north of Newcastle, on the summit between Blue river and Buck creek, a branch of White river. This reservoir will be filled by the floods of White river, for which purpose a feeder must be constructed from that stream about 18 miles in length, to be taken out at a point 5 1-2 miles below Winchester. It is supposed that by collecting and retaining the whole drainage of the country lying above and inclining towards the summit, a sufficient supply of water may be provided for this route.

A survey has been made upon this plan, from Little Blue river, two and a half miles north of Newcastle, to the White-water canal, from which it has been ascertained that the route must be very expensive as well as circuitous. The principal obstruction is a deep cut between Flat Rock and White river, 4 miles in length, from 6 feet cutting at one end, to the same depth at the other, increasing from each end until it reaches 41 feet in depth in the centre. Besides this, there are other expensive cuts and embankments, which greatly augment the cost. An approximate estimate has been made, which shows that this portion of the line, 33 miles and 60 chains in length, will cost about \$1,500,000. The main line north of Little Blue river, and the White river feeder have not been surveyed, but estimating them as ordinary lines, and including the probable cost of reservoirs, it will give an aggregate cost upon this plan of \$2,000,000.

If the summit level be raised 10 feet, it is estimated that a saving of near a half million would be effected. But it is deemed scarcely probable that a suitable site for a reservoir could be found on that level.

The estimated length of main line from Muncietown to its junction with the White Water canal is 52 miles. The road from Muncietown to Cambridge, by Newcastle, may be estimated at 32 miles. Adding 5 miles to this, as the distance to the point where the canal survey intersects the White Water line, we have 37 miles as the total distance by the road, showing a difference in distance between the two modes of connexion of 15 miles.

From this statement of probable results, it seems that the canal upon the plan last described, is physically practicable; yet if we consider its great cost, the increase of distance between the two points, together with the fact that it will be wholly dependent upon reservoirs for a supply of water, it would appear that the idea of a water communication between the White Water and Central canals cannot longer be entertained as a judicious or feasible undertaking.

A map of this section of the State, representing these several lines, together with a profile of the line last described, are herewith presented.

GENERAL REMARKS.

By summing up the estimates given in the foregoing statements, in respect to the several lines under contract, it will be seen that the total estimated cost of the contracts entered into by the Board of Internal Improvement, since the 1st March, 1836, amounts at contract prices to \$3,906,438, and that the estimated value of labor performed on these contracts, up to this date, is \$2,176,308. Deducting this from the total estimate, and adding to the remainder \$26,538, the value of work yet to be done on the Wabash and Erie canal, between Fort Wayne and Georgetown, which was let out by the former Board, and it gives \$1,756,668, as the aggregate value of labor required to complete existing contracts within the State, exclusive of the road between Jeffersonville and New Albany, from which I have received no returns.

For the first nine or twelve months after the contracts were made, laborers were scarce, and their wages soon became unusually high.—Not only was the progress of the work retarded by this state of things, but as necessary consequences, many of the contractors abandoned their jobs, which were subsequently let out at higher rates, increasing in proportion the cost of the improvements. Within the last six months, the effective labor of the state has been increased by the influx of the German and Irish population, and for the future there is reason to believe that with judicious measures, in reference to this object, the price of labor, and of course the cost of the works, may be reduced, so as to correspond more nearly with the ordinary rates. A statement has been prepared, and is hereto appended, and numbered 2, from which it will be seen that an average of 4,666 men have been employed on all the public works of the state during the past season; that about 2,435 of these are of the German and Irish population, and the

remainder citizens of Indiana, with perhaps a small number from adjoining states. By the same statement it will be seen that the average rate of wages paid by contractors during the past season, for common labor is \$18 90.

It is no doubt the policy of the state, as it seems to be the desire and expectation of the public, that the improvements be vigorously prosecuted, especially if the operations be directed to their extension into the interior, from the points where our markets are found, so that the investment may as soon as possible be made productive to the state, and useful to the public. But the degree of energy with which the public works can with propriety be prosecuted, must depend essentially upon the amount of surplus labor which the state may have at her command. To place the work under contract at any time to an extent disproportioned to the labor of the country, so as to divert too great a proportion of labor from the cultivation of the soil, and subduing the forest would produce a two-fold evil; first by increasing the cost of the work, and secondly by crippling the agricultural interest—an interest which above all others, as the basis of public prosperity, it is the policy and duty of the state to encourage; and for whose benefit chiefly the system of improvement was undertaken. To increase the aggregate of effective labor, therefore, so that both the farming interest and the operations on the public works may be well supplied with workmen, and both be prosecuted successfully, the one auxiliary to, rather than in competition with the other, must be viewed as an object of paramount importance, calculated in no small degree to promote the future prosperity and wealth of the State. And the suggestion is with due deference made, whether the Board, with legislative sanction, might not farther this object by taking some step calculated to turn the tide of European emigration, particularly the German population, towards this State.

In my last annual report to the Board, it was suggested that extensive surveys and critical comparisons between different lines, both in respect to their cost and advantages, should in all cases be made in advance of the contracts, so that the plans of location and construction may be well matured. On several of the lines such surveys have been made during the past season by which many facts have been collected besides those given in the report, which have been made matter of record in the office, and will be of service in making the final locations. The lines that have been run, ought not, however, to be received as final locations, so as to preclude any alterations, should further examinations, or the results of subsequent experience suggest improvements in the plans of crossing streams or of overcoming other difficulties.

The location and plans of the public works should not, it appears to me, be considered as unalterably established until the time arrives for placing them under contract. Such a course would deprive the state of these additional lights of experience, which her engineers may derive from the wide field of operations now presented for their observation, by the progress of her own improvements as well as those of other

states. The science of civil engineering, like every other practical science, is advancing, and we should act unwisely if, by deciding important questions sooner than is necessary, we refuse the aid which might otherwise be derived from this increase of practical knowledge. While therefore, all the leisure time of the engineers on the different lines should be employed in extending the surveys, and collecting and preserving data in relation to the character of the route, and the difficulties to be overcome with a view to the ultimate decision of the location and plans, I would recommend as a general rule, that these decisions be delayed until the time arrives for placing the line under contract. The citizens along the different routes are sometimes desirous that the precise location should be determined, even when there may be no prospect of placing the work under contract for some time to come. Although there may be a disposition to gratify a request apparently so reasonable, yet in most cases I can conceive of no local advantages likely to follow such a decision, which could compensate for the public evils that may result from premature action.

In estimating the cost of public works, it is impossible for the engineer to foresee all the changes in the currency of the country and in the state of the markets which may take place, and which may materially affect the cost of the work. The want of this knowledge of future events is often the cause of a discrepancy between the estimate and the actual cost. In order that the Board may judge for themselves in regard to the sufficiency or insufficiency of the estimates presented in this report, I will state here that in arranging the elements of the calculation, common labor has been rated at 15 to \$16 per month—mechanical labor and provisions being in proportion. From present indication, it is supposed that by the time the work will be constructed, wages may be reduced to these rates. But should the prices actually paid vary materially, it may be expected that the cost of the work will vary accordingly.

In prescribing the style in which the mechanical work should be executed on the various lines of improvement entrusted to my general supervision, I have been influenced by a conviction that the utmost firmness and durability is called for by the policy and interests of the State. This policy, while it is correct in regard to every species of mechanical work, is peculiarly important in respect to the Masonry. Imperfections in the timber superstructure or in the earth work of public improvements can more readily be removed, but for the defects of stone work in the walls of a lock aqueduct or bridge, there is no remedy short of entire renewal. And as these structures are placed beneath, or connected with high embankments, such renewal is always attended with a very heavy expense as well as injurious delays. It is the style of masonry on any public work more than any thing else, that forms its character in the judgment of close observers, so far as relates to the manner of its construction. The locks and other heavy masonry, if substantial in their character, furnish lasting evidence of the vigilance, fidelity and skill of those charged with the immediate superintendence; or of their negligence or incompetency, if they should be soon found in a dilapidated or frail condition.

At the time of placing the work under contract on the lines under my charge, printed specifications showing very particularly the manner in which the stone work should be performed, were exhibited to bidders, and now form a part of the contract. These specifications are always suited to the size and quality of the stone found in the vicinity of the work, requiring nothing for unnecessary exterior show, but only insisting upon points essential to durability. I have therefore conceived that I could perform my duty to the state only by urging upon the superintending engineers the complete and literal fulfilment of these specifications, which, from the great extension of my duties, must depend wholly upon them. And to enable the Resident Engineers to accomplish this, they will require frequently the aid of additional superintendents, for longer or shorter periods.

That it should be more difficult to enforce the faithful performance of masonry, than any other part of the construction, might reasonably be anticipated from the nature of the case. Small and ill shapen stone are usually procured at a much less cost than those of proper size and form. It will generally be observed that the smaller fragments, having been more readily removed from their original place by the hand of time, or the operation of strong currents, are now to be found in the ravines and on the surface of the ground, while the larger blocks, suitable for substantial masonry, may lie deeper in the quarry, to be procured and worked only with much more labor and expense. Even if the contractor disregard this difference of cost, which is sometimes the case, the subordinate workmen, who are entirely irresponsible, will often select the smaller fragments of stone, on account of the greater ease with which they may be removed and placed in the work. The proportion of mortar and grout, and their proper combination with the stone, as required in the specifications, are likewise objects of much consequence, demanding the immediate attention and direction of the Engineer. Experience abundantly proves that the imperfect construction of masonry cannot be prevented, unless the Engineer exercise entire control of the operation, from the commencement at the quarry, to the completion of the work.

It is to be regretted that on some of the lines, a resort to timber as a building material for locks, &c. has been unavoidable from the scarcity of stone. But when stone structures are directed to be built, the interest of the state requires that they should be constructed in the most substantial and workmanlike manner, of which the character of the materials will allow.

In the use of rail roads constructed by the state, it will probably be best for the state to furnish the motive power, leaving the cars for the conveyance of freight and passengers, to be furnished by individuals or companies, from whom the state will exact the proper toll for the use of the road, and for the motive power. Should the Board concur in the suggestion, they will no doubt perceive the necessity of contracting in the early part of next year, for the construction of a locomotive engine to be placed on the Madison road.

Some legal enactment will be required to enable the agents of the

state to preserve from injury the various mechanical structures, and other works connected with the canals, rail roads, and turnpikes, belonging to the state. These works are constantly liable to very serious injury, as well from the designs of evil disposed or malicious persons, as from the negligence of those who may be properly engaged in their use. They can be protected and preserved from dilapidation only by imposing severe penalties, with the necessary provisions for a prompt and rigid exaction of the forfeiture. Experience has proved that the penalty for driving wagons on the banks of the canals, as provided by existing laws, is wholly inadequate to prevent this practice, and much injury to the embankments has been the consequence.

In connection with this subject, I would also suggest the appointment of collectors of toll on the Wabash and Erie canal, not however with a view to any profit that can be expected from this work until connected with Lake Erie, but rather on account of the aid to be derived from such an organization of officers, in enforcing the laws and regulations necessary for the protection of the work.

In the location of the canals and rail roads, it sometimes becomes necessary to occupy for a short distance the route of an existing state or county road, or to cross and re-cross the same at points not far distant. In such cases the expense and inconvenience of two bridges might be saved and the public convenience promoted, if the board were authorized by law to re-locate such public highway, keeping it wholly on one side of the improvement. This authority already exists in respect to the Wabash and Erie canal, but it is confined to this line.

In the location and construction of the canals of this state, no provision has been made for the immediate employment of lock tenders. With very strict and systematic regulations in regard to the use of the locks, and the navigation of the canals, it is believed that these agents may be dispensed with for a few years, while the business is inconsiderable, and the necessity for economy in the expenditures so urgent. At a future period however, when the business on the canal shall have increased, lock tenders will be required, and with a view to that arrangement, would it not be good policy for the Board in the construction of the work, to appropriate a small lot of ground at each lock, for the purpose of a lock house.

The water power created by the construction of the canal has been referred to in former reports, as an object of much importance to the state. There are several points at which it appears to me the wants of the country call for the employment of some portion of this power, so soon as the water can be introduced. Amongst these, Lafayette and Delphi might be named on the Wabash and Erie canal; Lawrenceburgh, Harrison, and Brookville on the White Water canal; Indianapolis and Evansville on the Central canal, and Terre Haute on the Cross-cut canal.

It affords me pleasure in conclusion, to notice with approbation, the

zeal and industry manifested by the Resident and Assistant Engineers, engaged during the past year on the several lines of improvement, in the discharge of their respective duties.

All of which is respectfully submitted.

J. L. WILLIAMS,
Principal Engineer.

Indianapolis, Dec. 5, 1837.

TABLE—No. 1.
Exhibiting the grades and horizontal curvature of the Madison and Lafayette Rail Road, on the first 23½ miles north of Madison.

Length of Total distance from grades. Madison.		Ratio of ascent or descent per mile.		Ratio of grades per 100 feet.		Total height of road above high water mark at Madison.		Length of straight line.		Length of curved line whose radii varies from infinity to 5730 ft.		Length of curved line whose radii varies from 5730 to 2865 feet.		Length of curved line whose radii varies from 2865 to 1910 feet.		Length of curved line whose radii varies from 1910 to 1146 feet.		Remarks.	
M	Feet.	M	Feet.	Feet.	Feet.	Feet.	Feet.	M	Feet.	Feet.	Feet.	Feet.	Feet.	Feet.	Feet.	Feet.	Feet.		
400	400	7.920	.150	4.580	400	2930	723	250	1732	400	100	100	200	1700					
3330	3730	3.168	.060	2.000	963	2222	3333	3131	1184	2424	3232	3232	3232	3434					
2423	1	873	24.816	.470	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
250	1	1123	Level.	5.900	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
1	1732	2	2855	311.520	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
400	2	3255	Level.	.265	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
2303	3	278	14.018	.561	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
2222	3	2500	29.621	.150	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
3333	4	553	Level.	.150	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
3131	4	3684	7.920	.250	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
1	1184	5	4868	13.200	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
2424	6	2012	3.696	.070	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
3232	6	5244	12.144	.230	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
3232	7	3196	4.752	.090	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
3434	8	1350	Level.	.127	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
4242	9	312	6.705	.580	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
5252	10	284	30.624	.320	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
400	10	684	Level.	.320	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
3636	10	4320	16.796	.620	426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					
5252	11	4292	32.736		426.388	432.502	420.160	420.160	415.510	399.510	397.830	390.470	393.350	393.350					

Inclined Plane.

Middle Fork.

1212	12	224	level.	337.136	1212	Big Creek.
2828	12	3,052	21.120	.400	1818	
1818	12	4,870	13.728	.260	1818	
4242	13	3,832	26.400	.500	4242	
4041	13	4,236	level.	.332	404	Camp Creek.
3636	14	2,592	33.264	.630	3636	
3131	15	443	25.080	.475	3131	
2727	15	3,170	24.974	.473	2727	
174	16	3,344	38.280	.725	174	
606	16	3,950	level.	.313	606	Graham Fork.
5244	18	3,894	8.448	.160	606	
2522	19	3,866	37.456	.520	4242	
760	21	4,626	40.128	.760	4907	1010
1212	22	558	level.	.218	1212	505 1111
1689	23	2,247	40.128	.760	2829	2373
					20	639 1616 1434 4944 1m. 4174 ft.

ABSTRACT of 59 miles and 16 chains of Southern Division, Central Canal, extending from Newberry Feeder to head of Pigeon.

No. Sec.	Chains.	Lockage.	Cost.	DESCRIPTION OF WORK.
1	30		\$48,468 95	Feeder dam and guard lock
2	69		19,735 76	Dam for Slinkard's cr. and T. P. bridge
3	76		6,396 15	Plain
4	78		10,848 58	Guard Lock
5	75		3,922 65	Plain
6	78		2,612 93	Plain
7	108	6	6,946 59	1 Wooden Culvert—I Wooden Lock No. 1
8	48		2,849 35	Plain
9	81	6	10,053 54	2 Wooden Culverts—I wooden lock No. 2
10	78		4,203 94	Plain
11	78		4,724 91	Plain
12	78		9,594 34	1 wooden culvert
13	78	7	11,365 01	Wood Lock No. 3.
14	81		3,733 92	Plain
15	84		7,895 25	Plain
16	84	9	11,759 45	Wood Lock No. 4
17	84		4,503 88	Plain
18	84		3,939 95	Plain
19	84		6,715 19	Plain
20	81		11,268 04	Prairie Creek Aqueduct
21	84	5	9,363 44	Road Bridge—Wooden Lock No. 5.
22	84		3,808 85	Plain
23	81		3,961 13	Plain
24	84		8,112 29	1 Wood Culvert
25	84		10,033 56	3 chs. bluff
26	84		7,244 35	Plain
27	81		31,133 29	1 Stone Culvert for Veal's creek
28	81		9,916 97	9 chains bluff
29	81		12,260 96	9 " " 1 Road bridge
30	81		12,504 76	1 Wood Culvert
31	81		50,780 87	Enters White river valley
32	81		111,842 89	Heavy full bank
33	52		137,977 96	1 Wood Culvert & White river aqueduct
34	72		13,595 60	1 " culvert
35	75		22,822 14	1 " culvert for Lick creek
36	81		17,809 22	1 " " 6 chains bluff
37	75		16,248 87	2 " "
38	81		22,284 55	13 chains bluff
39	78		12,623 34	1 wood culvert
40	81		19,467 66	4 " " 1 Road and T. P. bridge
41	81		6,649 14	1 " "

42	60	4,783	56	1	"	"
43	57	2,838	01			Plain
44	81	23,960	16			Ascending Patoka summit
45	72	125,311	25			Patoka Summit
46	99	8,072	11	1	Wood Culvert	
47	81	22,454	81			Estimate of Reservoir—Wood Lock No. 6
48	78	12,541	53	1	Wood Culvert—1 Road Bridge	
49	81	25,930	72	2	" Culverts.	Heavy earth work
50	81	151,184	54			Aqueduct for Patoka & heavy full bank
51	78	24,721	15	2	Wood Culverts	
52	81	11,500	70	2	" Culverts	
53	84	17,617	78	2	" Culverts	
54	78	6,084	64			Plain
55	78	44,533	13	2	" Culverts and heavy full bank	
56	81	34,791	17			Valley of Keg's creek
57	78	10,955	77	1	" Culvert	
58	78	14,242	25	2	" Culverts	
59	51	3,887	20	1	" Culvert—1 Road bridge	
60	78	64,889	43			Pigeon Summit
61	81	34,402	94		" " 1 Road bridge	
<hr/>						
4736	40	1,374,663	17			
Add.....		96,226	41			7 per cent. for contingencies &c.

Total Cost \$1,470,889 58. Average cost per mile \$24,846 11

ABSTRACT of Central Canal from mouth of Eel River to Newberry Feeder on the East side of White River, 15 miles 39 chains.

No. Sec.	Chains.	Lockage.	Cost.	Description of the work.
1	81	9	\$20,705 22	1 Stone cul. & 1 wood c. L. No. 1 cutstone.
2	81	7	16,838 38	1 " L. No. 2 "
3	81		6,549 32	Plain
4	81		5,287 68	1 Road bridge
5	81		10,198 81	1 Wood culvert
6	81		7,776 78	1 Stone culvert
7	81	7	27,106 56	1 Wood cul. 18 chs. bluff, L. No. 3 "
8	81		6,191 91	Plain
9	81	6	41,601 49	Aqt. for Richland cr. 3 c. bluff L. N. 4 "
10	81		29,295 36	36 chains bluff
11	81		17,804 41	1 Stone cul't. 12 chains bluff
12	81		4,289 41	1 Road bridge
13	81	6	24,741 12	1 Stone culvert Lock No. 5 "
14	81		6,285 69	Plain
15	105	7.50	23,888 28	1 Wood cul. 30 chs. bluff Lock No. 6 "
	1239	42.50	248,560 42	
		Add	17,399 22	7 per cent for contingencies &c.
Total cost			\$265,959 64	Average cost per mile \$17,172 54.

ABSTRACT of the Central Canal from the mouth of Eel river to Newberry Feeder following the West side of White River, 16 miles 56 chains.

No. Sec.	Chains.	Lockage.	Cost.	Description of the work.
1	81	9	\$32,769 47	Eel river aqueduct, 1 road bridge
2	81		16,547 92	Lock No. 1 cut stone
3	78		4,569 93	Plain
4	78	8	4,373 37	Plain
5	81		14,918 41	1 Road bridge, Lock No. 2
6	81		12,613 69	Plain
7	78	7	14,541 37	1 Stone cul't. Latta's cr. 1 Road bridge
8	81		7,016 32	Plain
9	81		4,610 55	1 Road bridge
10	81	7	14,409 75	Lock No. 3
11	81		9,527 79	1 Wood culvert
12	81		8,772 84	Plain
13	81	18.50	32,615 06	T. P. Bridge for W. river, L's N. 4, 5, "
14	81		5,487 02	Plain
15	91		6,830 57	T. P. Bridge for Doans cr. } Slackwater.
16	81	49	11,641 41	Plain
17	49		5,553 92	"
	1336	42.50	206,799 38	
		Add	14,475 96	7 per cent for contingencies, &c.
			\$221,275 34	Average cost per mile \$13,729 06.

No. 2.

EXHIBIT of the average force employed on the several lines of improvement during the past year.

	Average effective force in men, including the teams reduced to men.	Average number of men exclusive of teams.	Probable number of European ans.	Number of citizens of Indiana.	Average rate of wages for common laborers exclusive of boarding
W. & E. Canal from Huntington to Lafayette	1105	830	580	250	\$21 00
White Water Canal	975	630	325	225	18 00
Central Canal Indianapolis Div.	750	680	80	600	18 00
Central Canal Southern Division.	180	160	53	107	19 00
Cross Cut Canal	296	260	5	255	19 00
Madison & Lafayette Rail Road	1400	1200	1030	170	20 00
New Albany & Vincennes Road	1115	906	362	544	18 00
Total	5821	4666	2435	2251	

No. 3.

Terre Haute, Nov. 20th, 1837.

To J. L. Williams, Esq. }
Principal Engineer. }

SIR:—Agreeably to instructions, a locating party was organized about the 20th of May last, to make the necessary surveys in relation to the extension of the Crosscut canal down the valley of Eel river, to its junction with the Central canal. With a view to economy, this party was composed in part of the corps stationed on the line under contract, and by this arrangement but one additional assistant was required.

Previous to commencing the regular survey, various lines of levels were run, with a view of determining the elevation of some prairies and dividing ridges back from the river, but principally to ascertain if any practicable route could be found across the waters of Black creek. These examinations were made quite extensive, and resulted in the determination of the fact, that no feasible route could be obtained. The most favorable gap examined would require a cut of from 20 to 30 feet in depth, and several miles in extent.

It having been ascertained by the examinations made last year, that the supply of water drawn from Eel river, by the feeder taken in at Hoffman's would all be required for the line north, in commencing the survey, the first object presented, was the selection of a site for a second feeder dam. The localities at Rawley's mill were found to be such, (there being a rock bottom in the river, and a high bank on one side,) that no doubt could be entertained of the propriety of locating the dam at that point.

The survey was commenced at the junction of the feeder and main line, at the south termination of Division No. 1, and thence on the south side of Eel river, the line is run direct to the crossing of Splunge creek, at Rawley's mill; a lock of 9 feet lift is located immediately at the junction, and one of 8 feet about 3-4th of a mile below. The feeder will be introduced just above the mouth of Splunge creek, by a short latteral cut, and the admssion of water into the canal, regulated by an adequate number of head gates.

From Rawley's mill to Sta. 450, a distance of 15 miles, 6 bluff points are encountered, where the canal must either be made in the river, or kept out by deep cutting; at 4 of these places the preferable plan is to cut through and avoid stone protection. These bluffs, however, are all short, and the character of the valley is such, that a tolerably cheap line is obtained for the above distance. Lock No. 3, ten feet lift, is located $7\frac{1}{2}$ miles; also No. 4, nine feet lift, (being the last on this side,) about 10 miles below the point of commencement.

Having locked down to the level fixed for the Central and Cross-cut canals at their intersection, and having ascertained by preliminary levels, that the chain of prairies back from Eel river, although much lower than the high and irregular ridge separating them from the main valley, were quite too high for the level assumed; the line from Sta. 450, to the termination, a distance of nearly seven miles, is much more expensive than the portion already described. Being confined to the river bottom, this portion of line is mostly located on steep sidling ground, which is frequently broken by deep ravines, and valleys of small streams, giving the line a circuitous direction, and involving frequent deep cuts and heavy embankments.

The mechanical structures on this side consist of 4 locks, the 2 first estimated cut stone, the others wood; 1 feeder dam 11 feet high and 257 feet long, together with head gates, abutments, estimated stone; 9 rectangular wooden culverts, 4 of which are 6 feet cord, three 8 feet chord, two 10 feet, and 2 road bridges.

The line on this side of Eel river was connected and terminated at Sta. No. 6, of the Central canal on the west side of White river; the whole lockage is 36 feet, and the estimated cost \$235,755 00, or \$10,010 82 per mile; length 23 miles 44 chains.

A line was also run, leaving the main line about a half mile from the point of intersection, and pursuing nearly a southern direction to Mr. Robert Inman's, about three miles below the mouth of Eel river, thence crossing White river on an aqueduct, and connecting with Sta.

49 of the Central canal on the east side. Upon this plan, the estimated cost is \$468,452 00—length 28 miles 34 chains.

A reconnoissance was also made with a view of finding a feasible route, crossing the river and connecting with the Central canal near Bloomfield, and it was intended to have run a line in that direction, but when the upper crossing was found so favorable, and it was apparent the lower route would be still more expensive, it was deemed inexpedient to extend the examination any farther.



The survey on the north side of Eel river was also commenced at the junction of the feeder and main line. From the commencement, the line pursues nearly a straight course across the level bottom, to the vicinity of New Brunswick, crossing Eel river about $1\frac{1}{2}$ miles above Rawley's mill. The river will be crossed in the pool of a dam, by means of a tow path bridge. Locks No. 1 and 2, nine and eight feet lift, are located near the junction. No. 3, ten feet lift, 6 and $3\frac{1}{4}$ th miles below; and No. 4, nine feet lift, 7 and $3\frac{1}{4}$ th miles below the junction.

The portion of line already described, is of a cheap character, but having to maintain a level by embankments, suitable for the intersection of the Central canal at Point Commerce, the cost of the remaining portion is much increased. Below New Brunswick, the valleys of White Oak, Pond creek, Turkey creek, and Lick creek, are crossed; most of them being remarkably wide and low for streams of such magnitude.

The mechanical structures on this side, consist of one feeder dam, guard lock, and tow path bridge; 4 lift locks, the two first being estimated cut stone, the others wood; 3 stone arched culverts, one 20 feet, one 18 feet, and one 6 feet chord; 12 rectangular wooden culverts, one 14 feet, three 10 feet, one 8 feet, and seven 6 feet chord—also two road bridges.

The line on this side of Eel river, intersects the Central canal on the west side of White river, at Sta. 0; the whole lockage is 36 feet, and the estimated cost \$252,751 00, or \$11,096 05 per mile. Length 22 miles 46 chains. This estimate is made out upon the plan of intersecting the Central canal on the West side of White river. To maintain a level 3 feet higher, such as would be required for crossing White river, would increase the cost \$30,032 00.

Maps and profiles are making, and will be presented as soon as practicable.

Respectfully submitted,
WM. JAS. BALL,
Resident Engineer Cross-cut Canal,

OFFICE OF THE WHITE WATER CANAL, }
Harrison, Dec. 2d, 1837. }

SIR—

Agreeably to the instructions of Gen. E. Long, Acting Commissioner on the White Water canal, a survey and estimate has been made, during the past season, for a canal down the valley of the East Fork of the White Water river, beginning at Richmond in Wayne county, and terminating at Brookville, in Franklin county.

The whole length of the line from Richmond to Brookville is $33\frac{1}{4}$ miles— $3\frac{1}{4}$ miles of which are slack water, and 3 miles, bluff requiring rip rap or loose stone protection to preserve the banks from injury by the action of the water.

The principal mechanical structures on the line are as follows:

31 Lift Locks—whole lockage 273½ feet.

Locks No. 1, 8, and 29 have each 4 feet additional height over the regular lift so as to operate as guard locks.

2 Guard Locks—each 12 feet high.

3 Aqueducts—whole span 126 feet.

7 Culverts—whole chord 64 feet.

2 Waste wiers, with gates.

16 Road bridges.

2 Tow-path bridges over the East Fork—each 220 feet long.

5 Dams—the length, height, and location as follows:

No.	Length.	H't ab. low water.	Di. fr. Richm'd.	Location.
1	160 ft.	11.60 feet.	$\frac{1}{2}$ mile.	Near Larshes' M.
2	160	6.20	$5\frac{1}{4}$	" Ottis' mills.
3	170	7.50	$11\frac{1}{4}$	Above Fairfield.
4	180	6.20	$23\frac{1}{2}$	" Brookville.
5	200	11.86	32	

For $11\frac{1}{4}$ miles the line follows down the right bank of the river to dam No. 3, below Abington, where it crosses to the left bank of slack water, it follows down that side for $12\frac{1}{4}$ miles—passing into slack water below Hannah's creek, and again crossing to the right bank at dam No. 4—it then continues on that side to Brookville, where it makes a very advantageous termination in the pool of the White Water canal dam across the East Fork. By crossing the river at the different points a large portion of the bluffs are avoided, and the line materially cheapened. The limited time allotted to the Engineer corps, did not admit of sufficient time for making an examination on both sides of the river in the vicinity of Fairfield, but before a final location, it would be advisable to examine as to the practicability of continuing the line on the left bank of the river as far down as that place.

With the exception of the bluffs, and lockage, the valley of the East Fork is of the most favorable character for the construction of a canal—the excavation and embankment is generally of the easiest kind; and the line in many instances follows at the base of continuous and succeeding banks—requiring only single banks, and passing through the adjacent farms to the very best advantage.

The estimates are made for a canal of the same dimensions as the Indiana canal—26 feet wide on bottom, water 4 feet deep—surface of water 40 feet.

The locks are to be in every respect similar to those on the White Water canal; dimensions in the chamber 90 by 15 feet; the walls are to be laid dry and faced with plank. The aqueducts and culverts are to be built of rubble masonry, laid in mortar and grout.

The dams are to be of *timber cribs*, filled with stone; the lower slope is to have 1½ feet base to 1 foot perpendicular rise, and the upper slope to have a base twice as long; both the upper and lower slopes are to be covered with plank 6 inches thick, firmly fixed and spiked to the cribs.

The river bottom where the dams are located is composed of gravel and detached rock. The plan proposed is to place the base at least 3 feet below the lowest water, and cover the whole with a compact layer of brush, upon which will be placed three layers of trees, from 60 to 40 feet in length, running parallel with the course of the stream—to be hewn square so as to lay perfectly close together—upon this the cribs will be erected in such manner as to leave an apron of at least 30 feet below the lower slope of the dam, so as to protect the foundation from the action of the water. The upper slope will be secured by a course of sheet piling, and the whole covered with fine gravel in such manner as to render it impervious to the water. The abutments are to be of masonry similar to the aqueducts.

By reference to the accompanying tabular statement it will be seen that the estimated cost of the line is \$483,778, to which add 5 per cent. for contingencies, including engineering, superintending, &c. and the whole cost will be \$507,966, or \$15,277 per mile. The estimates are predicated upon the supposition that common labor will command \$18 per month and found, which is about the average wages paid upon the White Water canal during the past season.

When the cost of boarding, furnishing tools, &c. are included, the expense of each man will be about one dollar for every working day.

At any time during the period of five years previous to the year 1831, the same amount of work could have been performed for at least one third less than at the present time.

During the lowest stages of the river a measurement was made of the water; at Richmond the discharge was 1700 cubic feet per minute, and a gradual increase was found at each of the proposed dams—at No. 5 the quantity was 2000 cubic feet per minute.

There is no doubt a sufficient supply of water for all the purpose of navigation, especially upon the plan proposed—the water being intro-

duced at five different points which makes the whole stream available.

The quantity of water required to supply the leakage and evaporation of a canal depends mainly upon the character of the soil through which it passes. The valley of the East Fork is generally quite favorable in this particular. During the dry season of the year in 1835 an experiment was made on the Delaware canal in Pennsylvania, to ascertain the quantity of water necessary to supply the leakage and evaporation on 14 miles of that canal. Much care was taken to arrive at the truth, and the requisite supply was found to be 50 cubic feet per minute per mile. The canal had been in operation about two years—the depth of water was five feet, and width of surface 40 feet; about half the distance was along a high embankment, and in many places there was quite a free percolation. It is therefore reasonable to infer that similar circumstances will produce like results. The Delaware and East Fork canals are both situated in nearly the same range of latitude. Particular attention was paid in locating the line to have it so placed as not to interfere injuriously with mills and manufactories already established. In the vicinity of both Richmond and Brookville, and many other places, a supply of water can be furnished from the canal for propelling machinery now in operation with but little alteration in the present improvements.

The whole fall of the river will also be made available, which can be used for various manufacturing purposes, as the wants of the country may require.

The act authorizing the survey requires a statement of the “probable advantages” arising from the canal. From the best information that could be obtained from various sources, it is believed that if it should be constructed within three or four years from the present time, that the navigation would open with a trade equal to \$50,000 tons annually. This, at an average of 2 cents per ton per mile, would yield a revenue of \$33,250 per annum. There would be many advantages growing out of its construction, the benefits of which can scarcely be anticipated. It would be the channel through which all the trade of one of the most populous, fertile, and wealthy regions of the western country would pass. Richmond, situated at the head of navigation, with its vast water power, extensive capital, and enterprising inhabitants, might become the PITTSBURGH OF INDIANA. In short the whole country within its reach would be invigorated—new sources of trade, which are now unknown, or lying dormant for the want of an outlet, would be developed; among which may be enumerated pine, and mineral coal, from the Ohio river—the former for building, and the latter for fuel. As a natural consequence, large tracts of fertile lands, now an unproductive forest, would soon be brought into profitable cultivation, and thereby contribute towards the general wealth and prosperity.

The instrumental part of the survey was conducted by Nathan Smith, Esq., Senior Assistant Engineer, and Edmund Johnson, Esq. as

Jr. Assistant; both of these gentlemen are entitled to much praise for the faithful and correct manner in which they have discharged their respective duties.

The accompanying map shows in detail the precise location of the line.

All which is respectfully submitted.

SIMPSON TORBERT, Engineer.

J. L. WILLIAMS,

Prin. Eng. State of Indiana, Indianapolis.

[Here follows Table.]



The post, &c. of each section of the

1.

Lockage.	Length chs.	No. of Sec.



The following statement exhibits the Number, Length, Cost, &c. of each section of the
EAST FORK CANAL.

REMARKS.			
Estimated cost.	Lockage.	No. of Sec.	Length chs.
\$22,740	10 ft.	1 60	
10,481		2 42	
9,271		3 42	
1,662		4 39	
10,102		5 42	
4,506		6 39	
10,218		7 39	
6,639		8 42	
11,107		9 39	
6,769		10 42	
4,755		11 39	
3,133		12 39	
1,912		13 39	
7,683		14 42	
3,668		15 39	
4,843		16 51	
10,968		17 39	
9,893		18 39	
1,983		19 39	
7,966		20 39	
2,178		21 39	
21,550		22 42	
1,559		23 39	
3,247		24 39	
5,183		25 39	
3,869		26 39	
6,701		27 51	
1,830		28 39	
15,962		29 39	
3,994		30 39	
2,620		31 39	
14,059		32 39	
2,024		33 39	
14,663		34 39	
2,759		35 39	
3,918		36 39	
3,520		37 36	
13,621		38 45	
13,360		39 48	
1,588		40 39	
2,494		41 42	
5,795		42 39	
10,129		43 39	
1,900		44 39	
13,362		45 39	
12,936		46 39	
2,082		47 39	
7,816		48 42	
2,881		49 39	
2,529		50 42	
2,863		51 39	
1,530		52 39	
3,309		53 42	
2,277		54 39	
22,216		55 42	
8,289		56 39	
10,177		57 42	
4,149		58 39	
1,605		59 39	
12,652		60 48	
10,582		61 39	
217		62 39	
10,784		63 39	
17,427		64 45	
25,221		65 51	
483,778		23	
24,188		8	
33,273		9	
483,778		10	
24,188		11	
15,277		12	
5 per cent. for contingencies.		13	
\$507,966		14	
15,277		15	

Dan No. 1, and Lock No. 1; 45 chains slack water—tow-path on right bank—Line begins at National Road, Richmond
 Lock No. 2—27 chains protection.
 do No. 3.
 Road Bridge.
 Lock No. 4.
 15 chains protection.
 Lock No. 5.
 do No. 6.
 do No. 7. Two tow-path Bridges.
 Dam No. 2, do do
 Lock No. 8. Tow-path and Road Bridge; 18 chains protection.
 One Road Bridge; 12 chains protection.
 Plan work.
 15 chains protection.
 One Culvert, 8 feet chord.
 Lock No. 9—two Road Bridges and one Waste Wier.
 do No. 10
 One Road Bridge.
 Lock No. 11.
 Plan work.
 Dam No. 3. Lock No. 12, and Guard Lock; tow-path Bridge 220 ft. long; 18 chs slack water.
 Plan work.
 do do
 One culvert 8 feet chord; one Road Bridge.
 Plan work.
 do do
 One Road Bridge.
 Locks No. 13 and 14, one waste wier.
 Plan work.
 do do
 Lock No. 15. One culvert 20 feet chord; one Road Bridge
 Plan work.
 Locks No. 16 and 17; 8 chains protection.
 9 chains do
 15 do do
 Plain work.
 Lock No. 18; one aqueduct over Silver creek, 36 feet span.
 do 19; one Road Bridge; 15 chains protection.
 Plan work.
 One Road Bridge.
 9 chains protection.
 Lock No. 20.
 One Road Bridge.
 Lock No. 21; 53 chains slack water.
 Dam No. 4, and Guard Lock. Tow-path Bridge over slack water, 220 ft. long; 1 R'd Bridge. Crosses to right bank of riv.
 One Road Bridge.
 Lock No. 22.
 6 chains protection.
 3 do do
 One Culvert, 6 feet chord.
 Plan work.
 Two Culverts 6 and 8 feet chord.
 Plan work.
 Lock No. 23 and 24, one Aqueduct 34 feet span, over Wolf creek.
 Lock No. 25.
 do 26; one Culvert 8 feet chord, 6 chains protection,
 One Road Bridge, 27 chains protection.
 Plan work.
 Lock No. 27, 24 chains protection.
 do 28, one tow-path Bridge over lock, 16 chains slack water.
 Slack water.
 Dam No. 5, slack water.
 Lock No. 29, 27 chains protection.
 do 30 and 31; one Road Bridge.

Passes Hancock's Factory.
 Saddle's Mills.
 Test's Factory.
 McFadden's Saw Mill.
 Russ' Lands.
 Russ' Mills.
 Henderson's Farm.
 do Saw mill.
 Larsh's do do
 Col. Hunt's Lands.
 do do
 Ralshack's do
 Col. Flemming's do
 do Mills.
 Brumfield's.
 Shroy's.
 Abington village.
 line of Union county.
 Swisher's house.
 Prestinger's farm.
 Crosses to left bank river.
 Pass, Onus & Litchfield's M.
 Passes Mason's farm.
 Col. Yousse's do
 do do
 Summers' mills.
 In Brownsville.
 do do
 Passes Mr. Grimes'.
 Norris' farm.
 Achenburg's saw-mill.
 Rutherford's farm.
 Adey's lands.
 do do
 do do
 Offerman's do
 Nicholl's do
 Silver creek.
 Newland near Damapsle
 Martin's lands.
 Test's mills.
 Osborn's lands.
 Templeton's lands.
 Cross Roads.
 Hannah's creek.
 Above Fairfield.
 do do
 Passes Moores' land.
 Opposite Fairfield.
 Opposite Master's M.
 Passes Wright's farm.
 Johnson's do
 Shepherd's mill.
 Wolf creek.
 Rob't Templeton's.
 Logan's lands.
 do do
 Above McCarty's.
 McCarty's lands.
 On School section.
 do do
 do do
 Passes Butler's lands.
 In Brookville.

Mr. Cole introduced a bill (No. 23) entitled an act to change a part of a state road therein named;

Which being read a 1st, 2d and 3d time by consent, and the question then recurring on its passage, the Senate decided in the affirmative.

On motion, the Senate adjourned.

MONDAY MORNING, DEC. 18, 1837.

Senate assembled.

Mr. Hoagland presented a petition from James M. Brewer and others, praying an act authorizing the qualified justices of the county of Scott, to constitute the Board doing county business, &c.;

Which was referred to a select committee composed of Messrs: Hoagland, Dunn and Daily.

Mr. Ewing presented a petition and accompanying documents from John Plummer and others, praying for a law legalizing the sale of school section No. 16, lying in Cass county, &c.

Which was referred to the judiciary committee.

Mr. Green presented a petition from Thomas Cole and others, praying the passage of a law to enable school commissioners to distribute the interest arising from the surplus revenue, &c.;

Which was referred to the committee on education.

Mr. Elliott of the committee of ways and means now reports:

MR. PRESIDENT—

The committee of ways and means to whom was referred a resolution inquiring into the expediency of extending time to the several collectors in this state until the 2d Monday in January in each year to pay into the State Treasury the revenue of the state, have had the same under their consideration and have directed me to report, that it is inexpedient to legislate on that subject at this time.

And on the question, will the Senate concur in the report? the ayes and noes were called for,

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Beard of M., Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Ewing, Hackett, Kennedy, Little, Moffitt, Moore, Morgan of R., Mount, Stafford, Stanford, Thompson of J., Thompson of L., Trask, Tuley, Walker, Watts of D., Watt of W., and Vawter—31.

Those who voted in the negative were,

Messrs. Bell, Casey, Daily, Dobson, Dunning, Green, Hoagland, Mitchell, Morgan of D., Sigler, Smith, Stewart, Turman, and Thompson of P.—14.

So the report was concurred in.

On motion of Mr. Clark, the report from the Board of Fund Commissioners was taken from the table and referred to the committee on the Canal Fund.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate,

No. 11—An act to legalize the acts of Anthony F. Smith as assessor of Fulton county for the year 1837, without amendment.

They have also passed an engrossed bill of the House of Representatives, entitled,

No. 7—An act to amend an act entitled an act to appropriate the three per cent. fund in certain counties therein named, approved Feb. 4th, 1837.

The Speaker of the House of Representatives having signed engrossed bills of the Senate,

No. 5—An act making appropriations of part of the three per cent. fund in Lawrence county;

No. 8—An act to appropriate part of the three per cent. fund in Fountain county;

And also an enrolled joint resolution of the House of Representatives,

No. 14—A memorial and joint resolution relative to the Wabash and Erie Canal;

I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed bills Nos. 5 and 8, and joint resolution No. 14, they were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

Bill No. 7, being read was, on motion of Mr. Chambers, read a second time by consent; the rules of the Senate being further dispensed with, it was read a 3d time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills of the House of Representatives, entitled as follows, to-wit:

No. 23—An act for the relief of E. M. Jones;

No. 25—An act to incorporate the town of New Washington in Clark county, Indiana;

In which the concurrence of the Senate is respectfully requested.

Bill No. 23, being read was, on motion of Mr. Moffitt, read a 2d time by consent; the rules of the Senate being further dispensed with, it was read a 3d time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Bill No. 25, being read, was on motion of Mr. Daily, read a 2d time by consent, and referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, (The Senate concurring), that the joint rules for the government of both houses of this General Assembly, be so amended, that the joint committee on the State Library shall consist of such number of members as each house may appoint respectively.

The House of Representatives have concurred in the amendment of the Senate to the resolution of the House, amending the joint rules of the two houses as not to restrict the number of members of each house on the joint committee on the "canal fund" by restricting the number to be appointed by each house to "eight."

The Senate concurred in the resolution contained in the message, and ordered that the Secretary inform the House of Representatives thereof.

Mr. Thompson of L. of the Judiciary committee now reports:

Mr. PRESIDENT—

The Judiciary Committee to whom was referred a resolution of the Senate instructing an inquiry into the expediency of so amending the criminal laws now in force in this state, as to abolish public executions, having directed me to submit to the Senate the following report:

The committee have examined the subject of the resolution with much attention and labor, and have been assisted in their conclusion by the research of other states.

It is a settled principle in our criminal jurisprudence, which is marked upon every page of our statute book, that punishments should not be vindictive. It is this which contradistinguishes our own from the

codes of former times, when severity was deemed essential to the end and aim of justice. The essential requisites of our laws being founded upon humanity, the aim of our criminal legislation is to prevent the repetition of crime. In the darker eras of civil government, when the practice of publicly executing criminals had its origin, justice was untempered with mercy. The agents of the law, bearing the brand of terror in their hands, impaled the poor culprit alive, mutilated him, broke him upon the wheel, transfixed his body to the stake, and left him bleaching in the wind, or, in the language of a distinguished writer, "his mangled remains inhumanly exposed to the public gaze." The administration of the law, marked with all the indicia of cruelty, was an attempt to stifle the mandates of humanity, and pervert to instruments of malice, the essential attributes of justice. Rational humanity found no lodging place in the bosom of the executioner! and the feelings of the brutal populace, familiarized with scenes of blood and carnage, tended to increase offences "both in number and enormity," rather than effect a deminution of crime.

It has afforded an interesting inquiry to the committee, to examine what results have been produced by these barbarous punishments and inhuman exposure of mangled and mutilated bodies. History has not been silent on this subject, and has furnished the examiner of its pages with ample and satisfactory evidence. Although the statistics of crime are by no means complete, yet it will appear manifest, upon examination, that the mild spirit of modern institutions has greatly tended to its diminution—in proportion, indeed, nearly or quite parallel with a diminution of the severity and public exhibitions of punishments.—There is scarcely a nation of Europe, which has not done much to the repeal of those sanguinary statutes, which were the former vehicles of cruel punishment, and there is no speculation more interesting to the historian or legislator, than an examination of the gradual changes which have "softened the character of the people, and refined the public manners and opinions,"—changes, too, which have been consequent upon those amendments of the criminal law.

By a recent compilation on this subject by a learned legislator, in one of the states of this Union, we are informed that "during the reign of Henry VIII 72,000 persons were publicly executed in England, being an average of 2,000 each year. In the reign of Queen Elizabeth, 400 were executed yearly. From the year 1825 to 1831 inclusive, out of 86,257 criminal convictions in England and Wales 9,316 were condemned to death; of which only 410, an average of 68 a year, were executed. In Ireland, for the same period, of 65,719 convictions, sentence of death was passed upon 1,814, and inflicted upon 224, or about 48 per year. In France, during the year 1826, of 4,348 persons convicted, 150 were condemned to death, most of whom were executed. In Prussia, from 1818 to 1827, 210 persons were capitally sentenced, only 87 of whom suffered death." From this compiled statement it will appear that in France the number of executions are greater in proportion to the convictions, than in England, and it is worthy of remark, as a general principle, inferable from these premises, that of

fences are diminished in proportion as the means of education and moral improvement are enlarged, and the severity of punishment abated.

One of the most striking features of our civil institutions is the principle of rational liberty which is breathed throughout them. The constitution of the United States, in the 8th article of the amendments thereto, contains the humane principle, upon which is founded all our criminal codes, that neither "cruel nor unusual punishment shall be inflicted," and there is no state in the Union, whose internal policy requires the punishment of death for more than *ten* enumerated crimes. This number bears but a small proportion when contrasted with the number of offences which are punishable with death in Europe. Some of the governments of that country demanding human life as an expiation for about one hundred and fifty crimes. By the revised laws of this state, there are but two offences punishable with death. Treason and Murder. And nothing appears more manifest when we examine this benevolent feature of our laws, and reflect upon the limited number of executions within the jurisdiction of our state, than that if those few executions of criminals were effected without exposure to the public gaze and the gratification of an idle curiosity, a much more correct and moral tone of feeling would prevail in all the varied and diversified classes of society.

The main arguments upon which those who advocate the policy of public executions predicate their opinions are,

1. That they are calculated to deter others from the perpetration of crime, serve as a warning upon the mass of community, and admonish the spectator that punishment for offences is as certain as their perpetration.

2. That executions should be public in order that society may be fully convinced, that the requirements of the law have been fully complied with.

To the first of these propositions, in addition to the views previously embraced in this report, the committee will adopt the language of a German writer who treats of this doctrine, in an article on criminal law to be found in the *Encyclopedia Americana*. That writer says:

"By the punishment of the offender, others are to be *deterred* from similar acts. The punishment is, therefore, inflicted *publicly*; and the more horrible the crime, the more effort is made to confirm the popular abhorrence of it by severe penalties.

"This system *is liable to the most weighty objections*. It cannot be allowed to put to death a human being, simply with a view that others may receive from his sufferings such an impression as to be proof against the temptation of crime. *In point of fact, THIS END HAS NEVER BEEN ATTAINED*, and would require a scale of punishment offensive to sound reason. The mere fear of punishment is of very little weight. Men are kept from crime principally from the natural abhorrence of wrong, heightened by a good education, and good example."

Again, says the same writer: "It is evident that the sentiments of men, and their moral reformation, cannot be the *direct object* of legisla-

tion, from the very circumstance, that this effect is not of a kind to be ascertained. On the other hand, it is found by experience, that the punishment of death is not sufficient to deter men from the commission of offences to which they are strongly tempted by their passions or wants."

These opinions are not peculiar to this writer, who has devoted much time to an examination of the history of crime, and the effects of punishment for its perpetration. *Romily*, in his work on Criminal Law, Sir Edward Cooke, Beccaria, Bentham, Dagge, and numerous other authorities, amongst them several other writers in an English publication on criminal jurisprudence, 1833; *Rees' Encyclopedia*, and the *Edinburg Encyclopedia*, all concur in the belief that much good would be effected by the executions of criminals in secret, and that public execution "have had a deleterious influence upon the public morals, brutalizing the habits, exciting the morbid sympathies, and blunting the genuine sensibilities of the people."

Dagge (*"Considerations on Criminal Law,"*) says: "The circumstance of example, which is often insisted on, does not seem to have so much weight as is often ascribed to it; for delinquents are frequently hardy enough to perpetrate the most atrocious crimes, even when malefactors are, for the same offences, expiring before their eyes, with all the dreadful circumstances of agony and infamy. Men whose depraved dispositions lead them to the perpetration of capital offences, are slightly, if at all affected by the sufferings and punishments of others!" "If even the dread of punishment, or the terror of example, comes across their thought, such reflections are soon obliterated by the flattering prospects which strike their senses and corrupt their judgment. The end of punishment, therefore, with regard to example, appears to be of less consideration than is generally imagined."

"However," he continues, "political casuists may pride themselves in subtilizing and reconciling moral repugnances with public necessity, we may venture to conclude that whatever shocks the common sense and feelings of mankind, is faulty in its original establishment." Severe laws, it will be allowed, are best calculated for the support of despotic power, but moderate governments are to be maintained by a milder system. Therefore, the great stress which has been laid on the advantage of public executions, seems to rest on a weak foundation; for they who are endued with a great degree of sensibility, will not behold them, and hardened offenders view them without being affected by them. Moral habits are not to be enforced by criminal laws; they are to be inculcated by moderation and good example; but the principal means of making virtue habitual, is to sow the seeds of it in early education."

In that highly useful and interesting English treatise, entitled "Old Bailey Experience, &c." the author in allusion to the "effects of executions" says:

"The well known fact, that in every country where the laws are most severe, the people are most in the habit of committing crime, would of itself be thought quite sufficiently striking to convince all law

makers of the inutility and fallacy of relying on sanguinary punishments as deterring men from crime. Fazakerly says, with great truth, "Sir, there is something in the nature of man, that disdains to be terrified, and therefore severe punishments have never been found effectual for preventing crime." Again: "It cannot be that men commit crimes for the sake of daring death, yet their numbers increase with the penalty. Another cause must therefore be sought. Is it excitement? *Boys say, their first ideas of crime came on while witnessing an execution.* This fact, which is indisputable, proves that there is some strange and hitherto unexplained compound principle of action in the human species. One effect is sufficiently evident, that it hardens and brutalizes all who witness these scenes, and all who are concerned in carrying the law into effect."

This same work, from which the committee have quoted so liberally, contains a letter from the Rev. Dr. Ford, Chaplain or ordinary of the Newgate prison, on the efficacy of executions, in which that writer remarks:

"From every thing I have witnessed on these melancholy occasions, I am decidedly clear, that executions, managed as they are at present, answer no end whatever, either for punishment or example."

The same writer continues in the following energetic strain:

"At length," says he, "the long dreaded morning arrives, he knows he must quit this world, and he may as well do so with a good grace as not. What would his old associates say if they were to behold him die soft? (as the phrase is.) His memory would be despised and had in abomination! He mounts the drop resolute in appearance, however he may be within; bows to the spectators; shakes hands with the ordinary, and such others as may be with him travelling the same journey; and is 'launched into eternity.' This man is not punished, nor are his compeers intimidated. It is like the acting of a tragedy—a momentary tear of pity may be shed, but the next ribaldry obliterates the whole of the foregoing catastrophe. For argument's sake, we will suppose the convict a true penitent, and resigned to his fate, with a full trust in, or even a modest hope of salvation. The spectators are ignorant of what is passing in his mind, but they see him resigned in his countenance, consequently they are not intimidated by his example."

The committee have been thus minute in examining the opinions of some of the most profound philanthropists, and writers upon criminal jurisprudence, because the subject embraced in the resolution of the Senate, has been the subject of much reflection and speculation in some of our sister states; and is one every way worthy of deep deliberation. Many of those who have examined the subject, it is true, have persuaded themselves to believe, that an entire abolition of capital punishment would conduce to the public good; but the committee have been enabled to find no opinion which does not justify the expression, that "public exhibitions of the punishment of death, while they have little or no effect in deterring from crime, are of a positively injurious and demoralizing tendency." This sentiment is sustained

too, by those who have witnessed the manner of conducting public executions in this country. Who constitute the mass of the gazing and gaping multitude, which throngs around the scaffold of the dying convict? Are those whose deep tone of moral feeling, checks the baser passions of human nature, and draws a nice distinction between right and wrong, the idler gazers upon an occasion so lamentable and heart-rending? Or rather, do you not find there, the dissipated and the riotous, whose animal feelings alone are to be excited, and whose souls are deadened to the tenderer impulses of the human heart? It may be, that the minister of the gospel, in the discharge of a high and holy duty, attends upon the last ceremonies of execution, and pours the oil of religious consolation into the bosom of the penitent, as his soul wings its flight to another world; but how different is his intense reflection, from the idle curiosity of the mob? The executioner may be there, the indispensable minister of the violated law, and he may feel the deepest sympathy, and view the scene as rather an act of despotism than of justice, but no torturing anguish fills the bosoms of the attendant idlers. To them it appears but the affair of the moment, and the violent death, the shrugging of the muscles is forgotten with that moment. They have seen it once, witnessed its terrors, but their propensities for crime are not checked, and with the passing away of the scene, indulgence and revenge resume their throne.

And how much better prepared would be the culprit to meet his fate, were he assured that his execution would not be attended with all the "pomp and circumstance" of military parade, and he not an object of curiosity to a mass of his fellow beings, who feel no sympathy for him, and whose compassion he could not expect. Attended only by the witnesses and agents of the law, he could turn his thoughts upon himself;—he could reflect upon the hour of his dissolution, and feel that it was solemn and impressive. There would be no bracing of the nerve to meet and return the public gaze, and the look of his old associates in crime, and he could then realize that he had to die. He could enjoy the solemnity of silence, and realize the justice of his sentence. He could meet the solemn crisis with a "broken and contrite heart," with true contrition and sincere repentance.

Upon the second proposition—that the community should have ample evidence of the execution—the committee will not detain the Senate. Punishments should be certain, or the law is an encumbrance to the statute book. This certainly can be guarded, by appointing a specified number of officers and citizens, who shall attend upon the execution, as public witnesses not as private spectators. An attested account of it will give the public ample evidence, and humanity will be satisfied, and the public morals subserved.

In several of the States of the Union, the practice of executing criminals in public has been abolished. In Pennsylvania, Massachusetts, New Jersey and New York, the plan proposed by the committee has been adopted, and has been found much conducive to the public good, by effecting a diminution of crime. The governor of Ohio in his re-

cent message to the present General Assembly of that State, in allusion to the subject, says—

“The certainty of punishment is one of the greatest restraints upon the commission of crime. In cases where our laws affix capital punishment, it is believed that many escape from the repugnance we all have to the taking away of the life of a human being. That public executions, and publications of confessions made by culprits, generally exaggerated, and at all times of doubtful authenticity, have a most dangerous and pernicious influence upon society, I have long believed. The pomp, parade, and circumstance that accompany them, by heroizing their subjects, instead of being a terror to the vicious and lawless, such is the vanity and frailty of poor human nature, that in place of shrinking from the spectacle, they seek the notoriety, and thirst for the distinction.”

In this opinion of the governor of Ohio, a majority of the committee concur; and entertaining the views upon this important subject, which they now communicate to the Senate, they have instructed me to report the following bill, entitled—

“A bill (No. 24,) to abolish public executions;” which being read, was passed to a second reading on to-morrow.

On motion of Mr. Thompson of L.,

Bill (No. 2,) entitled “a bill to provide for the division of the 7th and the formation of the 10th judicial circuits and for other purposes,” was taken from the table.

Mr. Thompson of L. moved to amend by striking out from said bill, after section 2nd, and insert amendment altering the time of holding the courts in said circuit; which was agreed to.

Mr. Kennedy further moved to amend, by inserting, after the 4th section, three additional sections, providing for the formation of the 11th judicial circuit; which was also agreed to.

Mr. Clark then moved to commit the bill to the judiciary committee with instructions to equalize the several judicial circuits, as nearly as possible.

Mr. Ewing moved to amend, by inserting, “select committee,” instead of the judiciary; which was agreed to.

Mr. Dunning moved a further amendment, by adding “and to form such additional circuits as said committee may think expedient;”—which was adopted.

The question being put, “shall the bill be so referred?” the Senate decided in the affirmative.

Ordered, That Messrs. Clark, Dunning, Thompson of P., Kennedy, Baird of St. Joseph, Thompson of L., Dunn, Colerick and Brady be that committee.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Cole offered the following resolution:

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a bill authorizing by law the Fund Commissioners, and investing them with full power and authority to compromise any claim the State of Indiana may have on Messrs. Cohens of Baltimore, and Josephs of New York, so as to release their liabilities to the State; or in any other manner that may be deemed expedient by said committee, to secure said claim to the State.

Mr. Clark moved to strike out the words "canals and internal improvements," and insert, "the canal fund;" which was agreed to.

The question then being "shall the resolution as amended be adopted?" and the Senate decided in the affirmative.

On motion of Mr. Morgan of R.,

Resolved, That the committee on roads be instructed to inquire into the expediency of providing by law, that supervisors of roads shall not call out the hands in their districts more than four days in one year for personal privileges, nor call on any person for road tax exceeding double the amount of the per cent. fixed by the board doing county business. Also to inquire into the expediency of a general revision of the road law, with leave to report by bill or otherwise.

Mr. Ewing from the committee on enrolled bills, now reports—

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they did on this day present to his Excellency the Governor for his approval and signature, bills of the following titles, to-wit:

No. 5—An act making an appropriation of the three per cent. fund in Lawrence county;

No. 8—An act to appropriate a part of the three per cent. fund in Fountain county; also,

No. 14—A memorial and joint resolution relative to the Wabash and Erie Canal.

On motion of Mr. Moffitt,

Resolved, That the committee upon education be instructed to inquire into the expediency of so amending the 1st section of the 3d chapter of an act incorporating congressional townships and providing for public schools therein, as to provide for the election of township trustees on the first Monday of April in each year; also that an election may be held at the same time and place, to determine upon the sale of any school lands in the respective townships which may remain unsold.

On motion of Mr. Stewart,

Resolved, That the committee of ways and means be instructed to inquire into the expediency of so amending the amendment of last ses-

sion to the revenue law, so as to compel pedlars of clocks to pay a license, with leave to report by bill or otherwise.

On motion of Mr. Mitchell,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the law in relation to the selection of grand jurors, as to prohibit the sheriff or any other officer of the court to appoint or nominate talismen to fill up those juries.

On motion of Mr. Crawford,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of the state taking the amount of stock reserved for the use of the state in the charter incorporating the Buffalo and Mississippi Rail Road Company, with leave to report by bill or otherwise.

Mr. Trask offered the following resolution:

Resolved, That the judiciary committee be instructed to take into consideration the expediency of so altering the law regulating the conveyance of real estate, as that it shall not be necessary for a wife to join with her husband except in cases where the real property descended to the wife, or may have been bought with her money.

Mr. Morgan of R. proposed to amend by adding, also to inquire into the expediency of allowing the wife to hold real and personal estate in her own name.

Which was agreed to.

Mr. Kennedy offered to amend further by adding, also that the committee be instructed to inquire into the expediency of so amending the laws, as to make the wife the only heir of her deceased husband.

And on motion, the resolution and amendments were laid upon the table.

Mr. Tuley offered the following resolution:

Resolved, That the standing committee on roads be requested to inquire into the expediency of so amending the law regulating the opening and keeping in repair of public highways, as to appropriate all fines and forfeitures of supervisors for neglect of duty on the district, to which the supervisor or supervisors may have been appointed for the further improvement of the roads; and that the said committee be requested to inquire into the expediency of subjecting the supervisors of roads to pay all damages which may hereafter be sustained by wagoners and persons travelling in carriages by reason of the roads being kept in bad order from the negligence of said supervisors.

Mr. Morgan of R. proposed to amend by striking out the words, by wagoners and persons travelling in carriages,

Which was agreed to.

The resolution as amended was then adopted.

On motion of Mr. Colerick,

Resolved, That the committee on canals and internal improvements inquire into the expediency of creating a sinking fund to aid in paying the interest accruing on the state bonds for money loaned to carry on the system of internal improvements.

On motion of Mr. Brady,

Resolved, That so much of the Treasurer of State's report as relates to the imperfect condition of the roof upon the capitol be referred to the standing committee on public buildings; and further that they inquire whether it would not be necessary to adopt some measure preparatory for the re-covering of said house, with some better material than the present, with leave to report by bill or otherwise.

Mr. Moore offered the following resolution:

Resolved, That the Senate will (the House of Representatives concurring therein), commence a revision of the acts of the General Assembly of the State of Indiana, from 1831 up to 1838;

Which was not agreed to.

Mr. Thompson of P. introduced a bill (No. 25), entitled a bill "to incorporate the American Cannail Coal Company;"

Which being read a second time by consent, was referred to the committee on corporations.

The following message was received from his Excellency the Governor by Mr. Maguire his private Secretary:

MR. PRESIDENT—

I am requested by the Governor to inform the Senate that he did, on this day, approve and sign

A memorial and joint resolution relative to the Wabash and Erie canal; which originated in the House of Representatives;

And also acts which originated in the Senate, entitled,

An act making an appropriation of part of the three per cent. fund in Lawrence county, and

An act to appropriate a part of the three per cent. fund in Fountain county.

Mr. Trask introduced a bill No. 26, entitled

A bill No. 26, to incorporate the Marion and Mississinewa bridge company, which being read a 2d time, by consent was referred to the committee on corporations.

Mr. Kennedy introduced a joint resolution, No. 27, on the subject of the Cross-Cut canal to connect the White Water with the Central canal, which was passed to a 2d reading on to-morrow.

On motion of Mr. Thompson of L.,

Resolved, That that part of the message of his excellency the Governor, which relates to the request of the State of Kentucky, asking the protection of our laws against the seduction and concealment of the slaves of her citizens, when they escape and as they pass along the Ohio river, in the service of their masters, together with the preamble and joint resolution of the legislature of Kentucky on that subject, be referred to the committee on the judiciary.

On motion of Mr. Coles the resolution and amendments relative to instructing the judiciary committee to report whether in their opinion the State Bank has forfeited its charter by suspending specie payment, were taken from the table.

The question was then on the amendment of the Senator from Delaware to the amendment; which being put, was negatived.

The question then recurred upon the amendment of the Senator from Carroll; which was also negatived.

Mr. Morgan proposed to amend the resolution by adding, "or any transaction connected with the suspension;" which was not agreed to.

Mr. Clark moved to strike out the words "or by any other act connected with Bank transactions;" which was agreed to.

Mr. Trask moved to amend by inserting the words "after an examination of said Bank has been made by an agent appointed by the legislature;" not agreed to.

Mr. Mitchell moved to strike out after the word resolved and insert That a select committee of five be appointed to investigate the transactions of the State Bank and Branches, with power to send for persons and papers, and report whether the Bank or either of its Branches have violated their charter to the Governor of the State and to this Senate.

On motion, Senate adjourned.

TUESDAY MORNING, DEC. 19, 1837.

Senate assembled.

Mr. Elliott from the committee on ways and means, now reports—

MR. PRESIDENT—

The committee of ways and means, to whom was referred a resolution to inquire into the expediency of so amending the revenue law, as to dispense with the collectors travelling over the counties to demand their taxes, have had the same under their consideration and have directed me to report the following bill, entitled

"A bill (No. 28,) to amend an act for assessing and collecting the public revenue," approved Feb. 10, 1831; which being read, was ordered to a second reading on to-morrow.

Mr. Colerick, of the committee on the canal fund, now reports—

MR. PRESIDENT—

The committee on the canal fund, to whom was referred the report of the board of fund commissioners relating to the failures of the Messrs. Cohens of the city of Baltimore, and the Messrs. Josephs of the city of New York, have had the same under consideration, and directed me to report a bill, entitled

"A bill (No. 29,) to authorize the fund commissioners to settle with certain debtors of the State;" which being read,

Mr. Colerick moved to suspend the rules, and that the bill be read a second time now.

Upon which motion the ayes and noes were called,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Ewing, Hacket, Kennedy, Moffit, Moore, Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Tuley, Walker, Watt of U. and Vawter—32.

Those who voted in the negative were,

Messrs. Casey, Daily, Dobson, Finch, Green, Hoagland, Little, Mitchell, Morgan of D., Smith, Stewart, Terman, Thompson of P., Trask, and Watts of D.—15.

It was therefore read a second time; and

On motion of Mr. Cole,

The rules were further dispensed, and the bill read a third time.

The question then was, shall the bill pass? The ayes and noes being called for—

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Beard of M., Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Green, Hackett, Hoagland, Kennedy, Little, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford Stanford, Thompson, of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D. Watt of U. and Vawter—40.

Those who voted in the negative were,

Messrs. Casey, Daily, Finch, Mitchell, Smith, Stewart, and Terman.—7.

So the bill passed.

Mr. Stanford of the committee on enrolled bills, reports—

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolling with the engrossed bill of the Senate, No. 11, entitled, an act to legalize the acts of Anthony F. Smith, as assessor of Fulton county, for the year 1837, and find the same truly enrolled.

Mr. Thompson of P., of committee on corporations, now reports—

Mr. PRESIDENT—

The committee on corporations, to whom was referred a bill of the Senate, entitled,

“A bill (No. 25) to incorporate the American Cannail Coal Company,” have had the same under consideration, and have made several

amendments, to which the concurrence of the Senate is respectively requested.

The several amendments herein mentioned, were severally concurred in and adopted by consent.

On motion of Mr. Thompson of P.,

The rules were dispensed with, and the bill considered as engrossed and read a third time and passed.

Ordered, That the House be informed thereof.

Leave being granted, Mr. Dunn introduced a "joint resolution (No. 30,) on the State Bank.

Mr. Thompson of L. moved to suspend the rules, and that it be read a second time now; on which motion the ayes and noes were called.

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bowen, Bradbury, Chambers, Cole, Crawford, Dunn, Elliott, Finch, Morgan of D., Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Walker and Vawter—18.

Those who voted in the negative were,

Messrs. Bell, Brady, Casey, Cathcart, Clark, Colerick, Daily, Dobson, Dunning, Ewing, Green, Hacket, Hoagland, Kennedy, Little, Mitchell, Moffit, Moore, Morgan of R., Mount, Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Watts of D. and Watt of U.—29.

So said rules were not suspended; it was therefore ordered to a second reading on to-morrow.

The amendment of the senator from Harrison, who proposed to amend a resolution relative to State Bank, as regards the forfeiture of its charter, and which was pending last evening, was taken up for further consideration.

The question being on striking out from the resolution of the senator from Owen, all after the resolving clause. The ayes and noes were called.

Those who voted in the affirmative were,

Messrs. Brady, Hoagland, Mitchell Morgan of R., Stanford, Stewart, Turman, Trask, and Walker.—9.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Bradbury, Casey Cathcart, Chambers, Clark, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Finch, Green, Hacket, Kennedy, Little, Moffitt, Morgan of D., Mount, Puett, Sigler, Smith, Thompson of J., Thompson of L., Thompson of P., Tuley, Watts of D., Watt of U. and Vawter—34.

So the resolution was not stricken out.

The question then recurred on the adoption of the resolution; the ayes and noes being called for—

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Little, Moffitt, Morgan of R., Mount, Puett, Sigler, Smith, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Walker, Watts of D., Watt of U. and Vawter.—40.

Those who voted in the negative were,

Messrs. Beard of M., Mitchell, Morgan of D. and Trask.—4.

So the resolution was adopted.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Colerick offered the following resolution:

Resolved, That the committee on the State Bank inquire into the expediency of authorizing the State Bank to issue bills of a lower denomination than five dollars, and to report by bill or otherwise.

Mr. Sigler moved to amend by striking out the words "inquire into the expediency," and insert in their place, "report a bill;"

Which was not adopted.

The question then was, shall the resolution as amended be adopted? the ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Colerick, Morgan of R., Stanford, Trask, and Vawter—5.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Morgan of D., Mount, Puett, Sigler, Smith, Stafford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Walker, Watts of D., and Watt of U.—43.

So the resolution was not adopted.

On motion of Mr. Vawter.

Resolved, That the Secretary of State be and he is hereby authorized to suspend in the Senate chamber, such maps of the several states of the Union as may be in the office of said Secretary.

On motion of Mr. Moffitt,

Resolved, That the judiciary committee be instructed to inquire into the expediency of so amending the practice act as to extend the statute of limitations to notes of hand whether sealed or unsealed.

Leave being granted, Mr. Hoagland introduced a bill No. 31, entitled a bill to amend the 42d section of an act entitled act relating to state roads, approved Feb. 6th, 1837.

The rules of the Senate being dispensed with, it was read a second time, and considered as engrossed and ordered to a 3d reading on tomorrow.

Leave being granted, Mr. Thompson of P., introduced a bill No. 32, entitled a bill to amend the act regulating the practice in chancery.

The rules being dispensed with, it was read a 2d time and referred to the judiciary committee.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have passed a joint memorial of the Senate,

No. 6—A joint memorial of the General Assembly of the State of Indiana in relation to the harbor at Michigan City, without amendment.

And also an engrossed bill of the House of Representatives,

No. 32—An act to legalize the acts of the Fayette county Bridge Commissioners.

In which the concurrence of the Senate is respectfully requested.

The Speaker of the House of Representatives having signed an enrolled bill of the Senate, entitled,

No. 11—An act to legalize the acts of Anthony F. Smith, as assessor of Fulton county for the year 1837,

I am directed to bring it to the Senate for the signature of the President thereof.

The bill No. 32, mentioned in the message, being read a 1st time, the rules of the Senate were dispensed with, and it was read a 2d and 3d time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

The President having signed bill No. 11, it was handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

Mr. Kennedy offered the following resolution:

Resolved, That the judiciary committee be instructed to report a bill making it penal and subject to a fine of ten dollars, to pass, tender, or receive, in payment of any debt, or in change, in any business transactions, any draft, certificate of deposite, or order under the amount of five dollars, on any Banking company within the United States.

Mr. Clark moved to amend by striking out the words "to report a bill," and insert "to inquire into the expediency;"

Which was adopted.

On motion, the Senate adjourned.

WEDNESDAY MORNING, DEC. 20, 1837.

Senate assembled.

The President laid before the Senate the "Annual report of the Directors of the Lawrenceburgh and Indianapolis Rail Road Company."

On motion of Mr. Walker, it was laid on the table; and 300 copies ordered to be printed.

To the Honorable the General Assembly of the State of Indiana:

The Board of Directors of the Lawrenceburgh and Indianapolis Rail Road Company, in pursuance of the requisition of their charter, now present to the General Assembly, their annual statement of their operations, during the past year, and of the present condition of the company.

At the date of the last report, the company had received in payment of stock something over \$100,000, and had expended something over \$33,000. The whole amount received is \$232,274 68, and the expenditures amount to \$53,345 98.

There remains now in the treasury of the company, in cash, \$12,524 60, and they have loaned out in safe hands the sum of \$176,422 07, to be called for.

In August, 1836, the company had offered to let the sections on their road, embracing a distance of ten miles, beginning at the river. Satisfactory bids could only be obtained for about one half these sections, extending over the first seven miles, with the exception of two intervening sections. These lettings amounted to \$65,349. The company not having been able to cash any portion of the State bonds held by them until late in October, but little work was done that season, though some was done on each section under contract.

In February, \$121,000 of State bonds were sold to the United States for the benefit of some southern Indians; \$41,000 was paid down, and the residue stipulated to be paid out of the proceeds of sales of lands reserved for that purpose, the whole payment to be completed by the first July, 1837. The company having received the proceeds of the 100,000 dollars of State bonds, so late in the season, that but little could be then used, had placed \$80,000 of it out at interest, to meet as far as possible, the interest becoming due on the State bonds, and presuming there could be no doubt of their receiving, in due time, the \$80,000 from the United States, they forthwith placed out at interest \$30,000 of the 41,000 received in February. The sums then, and be-

coming due being amply sufficient to meet all the present engagements of the company, and all such as they intended to create that season; it being deemed unadvisable at the then high price of labor and provisions to do any more than to fill out the contracts for the first seven miles, which to complete would have required an expenditure of upwards of 100,000 dollars.

As spring approached, the Board organized their corps of Engineers; procured a full supply of new instruments, tents, and all the equipments necessary and proper for the active employment designated for the season, which was the final location of the road as far as Napoleon, the running of the experimental lines or surveys of the Rushville Branch, and at the same time an active prosecution and superintendence of the work under contract. The Board had also succeeded in letting one of the remaining sections and were industriously seeking a bid for the other so as to complete the full distance of 7 miles, the graduation and masonry on which, they flattered themselves, would have been completed by the close of the next season.

In this situation was the company found by the general stoppage of the Banks last spring—an event that appalled the most resolute, and found unprepared the most cautious. Its effects upon this company were most disastrous. The Board was immediately informed by the Secretary of the United States Treasury, that the government could not comply with its engagements to pay the 80,000 dollars for the state bonds in her hands, nor did he know when he could pay it. They were thus deprived of the resources expected to meet the expenditures of the season, no reasonable prospect existed in the then prostration of all credit and confidence, that the state bonds thus thrown back on their lands could be soon disposed of, but at a ruinous sacrifice, and their fears were fully realized, for not until several months after, could a sale be effected. The money loaned out by the company, being in the hands of the business men of the country, who were bending under the blast then sweeping over the land, rendered it impossible that the company should enforce its re-payment, without aggravating the distress of the times.

It was therefore with the utmost regret that the Board felt constrained to order the suspension of all further operations until a change of times should take place. This order was passed on the 19th day of May, and the agent of the company forthwith proceeded to settle up and discharge the contractors wherever it could be effected to the satisfaction of both parties—and looking to a renewal of the undertaking at the first favorable moment, they have made a purchase of most of the buildings and fixtures of the contractors, and have also continued the works on such contracts as being in an unfinished state would have been injured by the delay. There has been accordingly expended, since the order of suspension, 9,959 dollars, and the company are now paying out over \$2000 per month, mostly on the masonry and graduation of the first section, which requires an expenditure of near \$12,000 for its completion, and to place it out of danger of injury.

The board hope to have this part of the road placed in this situation by next spring, and that contract will then form a continuous and complete road bed for 14 miles. Upon the other contracts all the grubbing and clearing has been done, most of the drains and culverts built of substantial stone masonry, and much of the excavation and embankment made.

Having thus gone through with a simple detail of their last year's operations, the board beg leave to call your attention to a few explanations connected with the same. When approaching your honorable body on this subject, the board feel sensible they do not under the most unfavorable circumstances.

The proceedings of the company have been so misrepresented by those inimical to the progress of the work, or who were desirous of injuring individuals connected with it; that much embarrassment has been occasioned thereby, and a cloud of prejudices thrown around the undertaking, threatening its future success, and also injurious to the reputation of those who have had the unthankful task of managing its affairs.

Much censure has been cast upon the company for the late suspension, to which reference has just been made, and that occurrence has been seized upon as proof, that the individuals comprising it were never sincere in their expectations and intentions of making the road. It is believed, that a reference to the continued efforts to carry on this undertaking, made under the embarrassing circumstances which have surrounded its very commencement, must relieve its agents from any imputations of this kind.

Entirely in advance of every other work of the kind in the State the citizens on this line procured an Engineer with the necessary instruments and assistance, and progressed with an experimental survey of the route for nearly half its distance, and until the death of the principal Engineer put a stop to their progress. Not discouraged, and without waiting for State assistance, they boldly put under contract the first and most expensive section on the line, having no more means than barely sufficient to defray that expense, relying for the future, alone on the merits of the undertaking being such as at the proper time to demand the consideration of your honorable body, and to call out the aid of the rich and extensive country interested in its completion.

Convinced, as the friends of this undertaking always were, that it was the work most important for the general business of the State—that it was the cheapest and best line projected from the Ohio, as has since been verified by the examinations made by the Engineers both of the State and of this company. That a country depended upon it for an outlet more populous, fertile, and paying as much revenue as that depending upon any other work projected in the State. It certainly ought to be set down to their credit, that while other interests were standing idle, refusing to do any thing for themselves, clamoring for State works, this one was still offering to do all in its power, and

only asked for such assistance as could in no wise embarrass the State.

It is in no spirit of re-crimination that the Board could allude to the manner in which their request was treated, but it is necessary that the true causes of their failure to do more than has been done, should be made known in order to acquit themselves before the community.

If at the time alluded to, all the applicants for State favor had been treated alike, if no rival roads had been elevated, fostered and encouraged by the legislature, to the disadvantage of others, this road would have still stood pre-eminent, and would have now been much nearer its completion.

And it is believed that this interest could still have maintained itself if but the aid asked of the legislature, had been granted, without the most burthensome restrictions.

The company asked but for the credit of the State for \$500,000, being only half the sum necessary to complete their undertaking as originally contemplated; and this when granted was clogged by the annexation of the Madison road, thus forcing this company into an unnatural partnership with a rival interest; and as if this was not enough to prostrate their energies, they were compelled to incur an additional expenditure nearly equal to the amount of credit thus extended. That they should yet have persevered under these circumstances, surely discloses no want of zeal or energy on the part of its friends.

It remains then for the board to express their decided belief that the burthen thus imposed upon this grant by the General Assembly were the main causes of the failure to obtain the benefit expected from it. Every effort that men could make were made to inspire the public with confidence in the undertaking, and to induce them to take up our stock. Among other inducements held out, and one which the board felt every confidence would be successful, was the promise that such portions of the money, not wanted for immediate use, should be loaned out to the stockholders to be repaid as the company should progress with the work. This circumstance has occasioned much clamor, and the motives of the board in making the offer have been called in question. They humbly conceive, however, that it was as well a measure of prudence as good policy; the object of the board was to hold out such advantages to the public as should overcome the additional impediments thrown upon the undertaking, by the act of the Legislature.

If it had ben successful, and the whole amount of the 500,000 dollars been obtained, the board would have got possession of 200,000 for immediate use, and would have had coming in \$150,000 each year thereafter for two years; this with what might have been expected from other sources, would have been a fair amount to have expended in those periods. In the meantime these sums of money loaned out, would aid in paying the interest falling due the State, and being scatteded over the line would have been most usefully applied to the opening up and extending to the farms, thereby rendering those mortgaged to the State more valuable, and more productive. The coun-

try would thus have been prepared for the road, and a largely increased amount of products would have been ready for transportation against its completion. The borrower could thus more readily repay, having an increased amount of surplus to dispose of, and being enabled to command an increased price for it, by reason of the completion of the road to his neighborhood.

Notwithstanding every exertion that could be thus made, to avail themselves of the benefits promised by the act of the General Assembly, of the 550,000 dollars of the State Credit, only 221,000 could be rendered available, and the great reason was, as before expressed, that greater assistance was given to other interests; thus placing them in advance of this one, while such burthens and restrictions were placed on the slight favor bestowed, as more than counterbalanced the expected benefit.

That no speculation was expected by it, is evinced by the fact, that out of 500,000, only 221,000 dollars could be thus obtained; and when it is known, that out of the whole sum received, there has been nearly one-fourth, amounting to 50,000 dollars actually expended, it cannot be believed that the Company were influenced by improper motives. For if a speculation by the use of the money was designed, no set of sensible men would have spent so much of it on a work, which was to be abandoned. It never was, and is not now the intention of its friends, that it shall be abandoned; however they may be driven by adverse times and circumstances, to cease operations for a time, they do not believe that the great interests connected with it, will suffer it to be abandoned entirely, but that it will be very much delayed, is too true, unless the State will aid in removing the impediments she has herself placed in the way of the Company.

It has been aserted, that the interests of the State were not sufficiently protected, that property has been mortgaged at too high a rate.

The Board in their last report, fully detailed the manner in which the mortgages were taken, and they now repeat the assertion then made, that no similar amount of money has been more securely loaned in the State than this. If it had been otherwise, the company were not to blame, the appraisements were made by persons appointed by authority of the State, over whom the Board had no control.

They have no reason to suppose, that the duties of these appraisers were not faithfully executed; having however, to become responsible as endorsers of these bonds and mortgages. Great care was taken by the Board to have the appraisements fairly made, and if any property is an unsafe security for money, by a clause in the bond, the State has the right now, or at any time, to demand further security.

The company being also bound for the payment of this money; it must be therefore, made doubly secure, whenever the road shall be made, and if any doubt is entertained in regard to the security of the State, it should be an additional inducement for the extension of such further assistance as shall insure this desirable object.

A reference to the books of the company, will show that the stock paid for in the respective counties, is as follows:

Dearborn Country,	\$185,998 63
Ripley do	14 00
Decatur do	21,822 00
Shelby do	25,738 05
Marion do	102 00

232,274 68

Had the exertions of the counties in the interior, equalled those of Dearborn, much more might have been effected. That county has always stood ready to carry the work through her borders without further aid, and will now do it, whenever the means are at hand for carrying it through the others. But until that prospect is afforded them, the Board deems it unadvisable to progress further.

The remaining sum unexpended, being 178,927 dollars is too small to complete any sufficient portion of road to make it profitable. Those therefore of the stockholders who have invested large sums in the concern, might find themselves unable to meet the payment of State interests, without great embarrassment, unless enough of the road can be finished to afford them some revenue therefrom; and they hold themselves in readiness to prosecute with vigor the undertaking, so soon as means to this extent can be obtained.

But to put at once an end to all charges of a desire to speculate upon the funds, now in their hands, and to evince their ardent desire for the completion of the road, this Company now offer to relinquish the same to the State, to lose all they have done upon it, and also to expend the further sum of \$50,000, making a clear bonus to the State of 100,000, being nearly one-tenth of the estimate of its original cost, and being a sacrifice on the part of the company of nearly one half their whole stock.

When it is recollected how many important counties lying on this route, and even paying a large portion of the taxes of the State, and yet derive no benefits from the system of improvement now conducted by the State, it surely would not seem unreasonable if the request should be made, that this work be adopted as a State work.

The bonus now offered by the company, would defray the interest on the sums expended, until such sufficient portion of the road could be built, as will yield a profit—and thus no embarrassment will ensue to the State.

After the struggles of this people to effect their object without troubling the State; considering the heavy pecuniary sacrifices now offered to be made, and when it has in so great a measure been the result of State legislation, that had retarded their progress. The company cannot but hope that their request will be favorably received.

Many considerations operate to render it important for the interests of the state, that this work should be hastened to completion.

It connects at the most favorable points with other leading works of the state, through which it will be enabled to unite themselves with the

works projected in Ohio and Kentucky. Its effects when made will be to nearly double the value of real estate in four or five of the largest counties in the state, and to make available a large amount of property now worse than useless, owing to its distance from market. These and other advantages were dwelt upon by the Board, in their report of last winter, to which they would now request to refer.

There is one view of its importance, which however, demands a more particular consideration. The White Water canal now making, will afford at Lawrenceburgh a water power of immense value, if pains are taken to make it so. This alone can be rendered profitable, by throwing the surrounding country upon this point for their manufacturing privileges. No business will be had from the whole of the White Water region, because the canal will afford equal facilities in every neighborhood. The Miami river a short distance in Ohio is more than able to do the milling and manufacturing business of that section; so that unless the timber and grain of the rich counties lying on this road, can be brought to this point, as may be done by this road, and thereby, also, an outlet be afforded for manufactories of all descriptions. A large portion of this power must be idle; but with the improvement now contemplated, not only would all this power be brought into immediate use, but its price and value thereby much enhanced.

Again, it is well understood that Cincinnati will have a branch leading from this canal, about fourteen miles from its termination. If the anticipations of those interested be correct, that nearly the whole of the business will be diverted in that direction; then the State is to sustain the loss occasioned by this abstraction of tolls from the fourteen miles of canal. How can this be avoided but by the making of leading thoroughfares into the terminating point in our own state. Thus increasing its importance, and enabling it to compete for the trade of the interior.

Taking all these things into consideration, this Board cannot but entertain the belief that the interest depending upon this road, is entitled to the favor of your honorable body. They have sacrificed more than any other interest, and they offer now to pay the state such a bonus as will defray all losses of interest on the sums necessary to be expended, which the state may sustain, until the work becomes profitable.

GEORGE H. DUNN, President.

The expenditures of the Lawrenceburgh and Indianapolis Rail Road Company, from the 5th day of January to the 5th day of December, 1837, are as follows;

For Books, Stationary, Desks, &c.	\$75 62
For Engineer Department	2,626 61
For Printing	27 00
For Real Estate, and right of way, (balance)	6,561 14
For Expenses	2,156 27
For Bonus to State of Indiana	605 00
For Railway Iron	729 26

For Construction	15,362 89
For amount paid Peter Miller, contractor	576 17
For amount paid Wm. Thompson, contractor	150 00
For amount paid damages on contracts, &c.	1,483 71
	<hr/>
	\$30,353 67

The Company have also deposited in the Lawrenceburgh Branch Bank, to the credit of the Canal Fund Commissioners, the semi-annual instalment of interest on \$221,000, state bonds due the 1st day of January next

5,525 00

\$35,878 67

EDWARD F. TEST, Clerk.

STATE OF INDIANA, }
Dearborn county. }

Edward F. Test, clerk of the Lawrenceburgh and Indianapolis Rail Road Company, being duly sworn, doth expose and say, that the above presents a true statement of the expenditures of the said Company, as appears from the books of the same.

Sworn to, and subscribed before me, this 11th day of Dec. 1837.

JOHN SALTMARSH, J. P.

The President also laid before the Senate a report from the Treasurer of State, on the subject of the Surplus Revenue.

On motion of Mr. Sigler, laid upon the table and 200 copies ordered to be printed.

TREASURER'S OFFICE, }
Indianapolis, 18th Dec. 1837. }

TO THE HON. DAVID HILLIS,
President of the Senate:

I herewith transmit, to be laid before the Senate, the following Report in relation to the operations and condition of the Surplus Revenue of the United States, deposited with this State.

Very respectfully,

Your ob't. servant,
N. B. PALMER,
Treas. of State.

RECEIPTS.

There was received from the U. States Treasury on the 25 of January last drafts in favor of the Treasurer of this State as follows, viz:

Draft on Branch Bank at Madison,	\$95,583 83
do Branch Bank at Lawrenceburgh,	95,583 83
do Branch Bank at New Albany,	95,583 82
	<hr/>
	\$286,751 48

On the 22d March there was received like drafts
as follows:

On the Branch Bank at New Albany,	\$95,583 82
do Bank at Madison,	95,583 83
do Bank at Lawrenceburgh,	95,583 83
	<hr/> \$286,751 48

On the 9th of June there was also received like
drafts as follows:

On the Branch Bank at New Albany,	\$95,583 83
do Bank at Madison,	127,737 02
do Bank at Lawrenceburgh,	63,430 63
	<hr/> \$286,751 48
	<hr/> \$860,254 44

DISBURSEMENTS.

There has been paid to the Loaning Agents in the
the several counties as per abstract of the differ-
ent agencies herewith appended, the sum of \$567,126 16

Paid over to the Commissioners of the Sinking
Fund the sum of 286,751 48

Amount apportioned to the counties of Lake, De
Kalb, and Wells, not applied for by those
counties but loaned by the Treasurer of State 6,376 80

\$860,254 44

The Legislature in passing upon this subject last winter, seemed to have
passed the act requiring the Treasurer of State to distribute the two first in-
stalments among the several counties, upon the assumption that the money
to be deposited, would be paid at the seat of Government; as no provision
was made by law for obtaining the funds from the distant Banks upon which
drafts were sent.

It will be perceived that the drafts were altogether on the river Branches.
To have given checks to the Agents on those branches, would have greatly
postponed the loaning of the funds, causing a great loss of interest; besides
many of the Agents would have refused to incur the expense of the addi-
tional journey to the river, and the money would have remained unproduc-
tive in the vaults of the Banks.

With a view of obviating the difficulties which thus presented themselves,
the undersigned determined so soon as the apportionment among the different
counties could be made, and the necessary forms prescribed, to go in per-
son to the several Branch Banks for the funds.

I accordingly made two trips to those branches on my own expense and
responsibility, to bring the funds to Indianapolis, in part, and to otherwise
dispose of the balance in such other branches as would be most convenient
to the agents entitled to draw the same.

Presuming that it would be desirable to the borrowers to have a portion
of the funds in specie, and convenient also to the agents in making change,
I addressed letters, previously to leaving Indianapolis, to such of the receiv-
ers of public moneys as I knew deposited in those branches on which drafts
were drawn, requesting them to hold up their deposits a few days, until I
could make some arrangements with the deposit Banks by which the specie

could be left at different points in the interior, to be distributed to the loaning agents. By this arrangement a portion of specie was provided at the different points of disbursement.

It will be seen by the accompanying abstracts, that the total amount of interest received by loaning agents is \$45,128 00 and that the amount paid over by them to school commissioners is \$45,457 34. It will be seen also, that the main portion of the money has been loaned on personal security, being \$484,562 on personal and \$79,604 on mortgaged security. In the further operations of this fund,—in the collections which it will doubtless become necessary to enforce by law, and the various questions which may arise in the management of so large an interest, much legal advice will be required by the agents, and in many prosecutions, the services of an attorney will be required.

It is respectfully suggested whether the public interest would not be much better secured, by making it the special duty of the prosecuting attorneys to attend to the matter as a part of their official obligation.

If the duty should be considered too onerous for their present compensation (of which I think there is no doubt) it would be economical to give them such increased salary as shall be commensurate with the increased burdens imposed, rather than subject the state to the payment of fees for such accidental and individual services in the several counties as would be indispensable, if left to the discretion of agents to employ counsel as contingencies might require.

The abstracts contain the operations of the several agencies, but for two quarters of the past year, as the 1st quarter of the financial year had elapsed before the agents received the funds, and the reports for the 4th quarter are not sufficiently complete to embody in the present report, but will be embraced in the report which may be submitted at the next session.

Respectfully submitted,

N. B. PALMER,

Treasurer of State.

TABULAR STATEMENT of the operations of the Agencies for loaning the Surplus Revenue for the quarter ending on the 31st of May, 1837.

COUNTIES.	AGENTS.	Am't rec'd from the Treasury.	Am't. of interest on loans.	Loans mortgaged security.	Loans on personal curry.	Amount paid over to Sch ^r . Com. rs.	Balance of principal on hand.	Balance of interest on hand.
Allen	Joseph Morgan	5774 56	461 96	2900 00	2874 56	461 96		
Adams	John K. Evans	1062 80	85 02		1062 80	85 02		
Bartholomew	Joshua Sims	7737 20	618 96	550 00	7187 20	618 96		
Boone	Addison Lane	5604 51	438 36	2700 00	2779 51	416 00	125 00	22 36
Brown	William Taggeat	2125 60	170 05	825 60	1300 00	170 05		
Clark	George Schwartz	11060 24	884 82		11060 24	884 82		
Clay	John Osborn	3967 78	317 42		3967 78	317 42		
Crawford	Joseph N. Phelps	3996 14	319 69	50 00	3946 14	319 69		
Carroll	Samuel Grimes							
Cass	Gillis M'Bear	6993 24	559 46	1430 00	5563 24	559 46		
Clinton	John H. Dunn	5136 88	410 95	115 44	5021 44	410 95		
Dearborn	William Perry	15793 24	1263 46	1200 10	14593 25	1263 46		
Decatur	A. R. Forsyth	9444 76	755 58	2000 00	7444 76	755 58		
Daviess	William C. Berry							
Dubois	Daniel Harris	2706 60	216 52		2706 60	216 52		
Delaware	David Kilgore	5725 00	458 00		5325 00	458 00	400 00	
De Kalb								
Elkhart	Jacob Cornell							
Fayette	John Willey	9225 13	738 01	250 00	8975 13	738 01		
Floyd	Robert Downey	8913 37	713 05		8913 37	713 05		
Franklin	William M'Clergy	11010 64	880 85	475 00	10535 64	880 85		
Fountain	Franklin Merrill	11350 74	908 05	2075 00	9275 74			908 05
Fulton	Alex. Chamberlain	2125 60	170 00	200 00	1924 80	170 00	80	
Gibson	John Hargrove	7630 92	610 47	1250 00	6380 92	610 47		

Green	John Jones, Jr.	4959 74	396 77	2050 00	2909 74	396 77	
Grant	M. C. Woodworth	3294 68	263 20	400 00	2890 59	263 52	4 09
Hamilton	H. W. Clark	6235 11	498 81	2237 55	3997 55	498 81	
Harrison	Arthur Vance	11081 49	886 51	100 00	10981 49	886 51	
Hendricks	W. L. Matlock	9940 75	795 26	50 00	9890 75	795 26	
Henry	Jonathan Macy	12505 64	970 40	11430 00	700 00	970 40	374 82
Hancock	Jonathan Dunbar	6001 28	480 10	23 00	5978 28	480 10	
Huntington	George A. Fate						
Jackson	Media W. Shields	6936 56	554 92	2175 00	4761 56	554 92	
Jefferson	Jesse D. Bright	13334 62	1048 00	2200 00	10900 00	1048 00	234 62
Jennings	Alanson Andrews	5887 92	471 02	1100 00	4787 92	471 02	2 03
Johnson	Fabius M. Finch	8304 03	630 80	2105 00	5780 00	628 80	419 00
Jay	H. H. Cuppy	2125 60	170 04	100 00	2025 60		170 04
Knox	William Scott	8821 26	705 70	1100 00	7721 26	705 70	
Kosciusko	Ludlow Nye						
Lawrence	Alex. H. Dunihue	10202 91	408 00		5100 00	408 00	5102 91
Lagrange	E. Littlefield						
Laporte	John Brown	8133 98	648 00	2800 00	5300 00	648 00	33 98
Lake							
Madison	W. G. Atherton	6192 60	487 16	800 00	5282 00	470 56	16 60
Marion	John Elder	14560 40	1164 82	2625 00	11935 40	1064 82	
Martin	Lewis R. Rogers	3238 00	259 04	200 00	3038 00	259 04	
Monroe	Samuel Patton	7935 59	317 42	400 00	3566 79	317 42	3967 79
Montgomery	William S. Galey	13625 13	1090 00	1300 00	12325 13	1090 00	
Morgan	William H. Craig	8729 14	698 32	300 00	8429 14	698 32	
Miami	A. Cole						
Marshall	M. Gregory						
Noble	T. Smith						
Orange	Alex. Morris	7581 31	606 50	300 00	7281 31	606 50	
Owen	J. Westfall	6143 00	245 72	300 00	2771 50	245 72	3071 50

Parke	J. P. Sunderland	5,551 37	444 08	1,325 00	4,226 00	444 08	37½
Perry	John Elder						
Pike	Thomas C. Stewart	4,194 52	335 56	135 00	4,059 52	335 56	
Posey	Jeremiah Cash	8,020 62	641 65	1,600 00	6,420 62	641 65	
Putnam	John Thornburgh	13,540 10	1,083 29	1,270 10	12,279 00	2,083 20	
Porter	Seneca Ball	2,805 80	224 46	610 00	2,195 80	224 46	
Randolph	W. M. Way	7,170 38	573 63		7,170 38	573 63	
Ripley	John S. Watts	6,986 16	558 89	256 00	6,730 00	558 89	16
Rush	George B. Tingley	14,716 28	1,177 30		14,716 28	1,177 30	
Scott	Samuel Rankin	4,180 36	334 43	275 00	3,905 36		334 43
Shelby	Royal Mayhue	10,783 91	862 70	1,000 00	9,783 91	862 70	
Spencer	James Jones	4,534 62	362 77	100 00	4,434 62	262 77	
Switzerland	John Dufour	8,800 00	704 00	2,400 00	6,400 00	704 00	
St. Joseph	E. P. Taylor	6,270 54	501 64	1,700 00	4,570 55	501 64	
Sullivan	Abraham Snapp	6,674 40	533 95	620 00	6,054 40	533 95	
Steuben	Joseph Pierce						
Tippecanoe	W. M. Jenners	13,129 16	575 22	5,200 00	2,069 00	381 12	5,860 16
Union	James Perry	7,630 92	610 47	300 00	7,330 92	610 47	
Vanderburgh	Nathan Rawley	4,342 92	342 16	2,827 00	1,400 00	342 16	115 92
Vermillion	W. H. H. Scott	8,289 86	494 56	1,000 00	5,182 00	494 56	2,107 86
Vigo	W. McFadden	10,047 02	803 76	400 00	9,647 02	803 76	
Warrick	William Smith	2,479 87	198 00		2,475 00	198 00	4 87
Washington	Elijah Newland	12,541 08	1,003 28	100 00	12,441 08	1,003 28	
Wayne	J. R. Lanson	21,794 55	1,743 56		21,794 55	1,743 56	
Warren	E. F. Lucas	6,220 94	440 64	1,760 00	3,973 00	440 64	487 54
White	W. M. Kenton	2,125 60	170 04		2,125 60	170 04	
Wabash	J. R. Cox	2,125 60	124 00		1,550 00	124 00	575 66
Wells							

Particular statement of the operations of the Agencies for loaning the Surplus Revenue for the quarter ending on

[illegible]

Davies	Wm. C. Berry	5,569 08	445 52½
Dubois	Daniel Harris		
Delaware	David Kilgore		
De Kalb	Jacob Cornell	5,831 24	466 49
Elkhart	John Willey		
Fayette	Robert Downey		
Floyd	Wm. McClary		
Franklin	Franklin Merrill		
Fountain	Abe Chamberlain		
Fulton	John Hargrove		
Gibson	John Jones, Jr.		
Green	M. C. Woodworth	32	
Grant	H. W. Clark		
Hamilton	Arthur Vance		
Harison	W. L. Matlock		
Hendricks	Jonathan Macy	29 92	
Henry	Jonathan Dunbar		
Hancock	George A. Fate	2,125 60	170 04
Huntington	Media W. Shields		
Jackson	Jesse D. Bright	18 70	
Jefferson	Alanson Andrews		
Jennings	Fabius M. Finch	33 32	
Johnson	H. H. Cuppy		
Jay	William Scott		
Knox	Ludlow Nye		
Kosciusko	A. H. Dunihue	407 83	
Lawrence	E. Littlefield	333 04	
La Grange	John Brown	4,322 06	
Laporte			
Iake			

	W. G. Atherton	8 87	110 60	16 60	110 60	24 85	60
Madison	John Elder						
Martin	Lewis R. Rogers						
Monroe	Samuel Patton	317 42	3,967 79½		3,967 79½	317 42	
Montgomery	William S. Galey						
Morgan	William H. Craig						
Miami	A. Cole	248 00			1,500 00	191 50	56 50
Marshall	N. Gregory	170 05			2,125 60	170 05	
Marshall	T. Smith	170 04			920 00		105 60
Marshall	Alx. Morris				300 00	606 50	
Orange	J. Westfall	245 72	3,071 50		300 00	245 72	3,071 50
Owen	J. P. Sunderland	444 14	37½		1,325 00	444 08	37½
Parke	John Elder	350 00					
Perry	Thomas C. Stewart				135 00	335 56	
Pike	Jeremiah Cash				1,600 00	641 65	
Posey	John Thornburgh				1,270 10	1,083 20	
Punam	Seneca Ball				610 00	224 46	
Porter	W. M. Way		16		2,195 80	573 63	
Randolph	John Watts				7,170 38	558 89	16
Ripley	George B. Tingley				256 00	1,177 30	
Rush	Samuel Rankin				14,716 28		334 43
Scott	Royal Mayhue			334 43	275 00	3,905 36	
Shelby	James Jones				1,000 00	862 70	
Spencer	John F. Dufour				100 00	362 77	
Switzerland	E. P. Taylor				2,400 00	704 00	
St. Joseph	Abraham Snapp				1,700 00	501 64	
Sullivan	Joseph Pierce	170 00			620 00	533 95	
Steuben	W. M. Jenners	440 40	5,860 16	194 10	5,200 00	381 32	5,860 16
Tipecanoe	James Perry				300 00	610 47	
Union	Nathan Rawley	10 06	115 92		2,827 00	342 16	115 92
Vanderburgh							

Mr. Dunning from the committee on education now reports:

Mr. PRESIDENT—

The committee on education to whom was referred a resolution of the Senate directing an inquiry into the expediency of reviewing so much of an act entitled an act to provide for an equitable mode of levying the taxes of this state, approved February 8, 1836, as appropriated 12½ of the poll tax, and five per cent. of the gross amount of the state revenue on property to common schools, have had the subject under consideration and the committee are of opinion that it is inexpedient to legislate upon that subject at this time, and ask to be discharged from any further consideration thereon.

And the committee were accordingly discharged.

The resolution of the Senator from Delaware, which was pending last evening relative to making it penal to pay or receive in payment, any draft, certificate of deposit or order under the amount of 5 dollars, &c. was taken up for further consideration.

And on the question shall the resolution be adopted? the Senate decided in the negative.

On motion of Mr. Smith,

Resolved, That the standing committee on education be instructed to inquire what amendment, if any, and what further legislation is required to carry into full effect an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress; approved 23d June, 1837, with leave to report by bill or otherwise.

The resolution of the Senator from Putnam, which was laid on the table, relative to inquiring into the expediency of so modifying an act establishing a State Bank and Branches, so that a majority of the directors of the State Bank or the General Assembly, may at any time establish an additional Branch when deemed expedient, was now called up for further consideration;

And on motion of Mr. Watts of Dearborn, the following amendment was adopted:

And that no new Bank shall be established until there is a resumption of specie payment by the aforesaid State Bank and Branches.

Question was then, shall the resolution as amended be adopted?

The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of Montgomery, Bell, Brown, Bradbury, Cathcart Chambers, Clark, Crawford, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hoagland, Little, Morgan of R., Puett, Sigler, Stafford, Thompson of J., Thompson of L., Tuley, Watts of D. and Vawter—26.

Those who voted in the negative were,

Messrs. Brady, Casey, Cole, Colerick, Daily, Dobson, Hacket, Kennedy, Mitchell, Moffit, Moore, Morgan of D., Mount, Smith, Sanford, Stewart, Thompson of P., Trask, Walker, and Watt of U.—20.

So the resolution was adopted.

Mr. Smith offered the following resolution:

Resolved, That the State Bank of Indiana is bound in good faith to the people of the State of Indiana, to resume specie payments on the earliest day possible; having regard only to its ability so to do; and that all or any conventional or foreign interference should be repudiated and disregarded by said Bank.

Mr. Thompson of L. moved to strike out all after the word "possible" and insert "having a due regard to its own ability and the public interest."

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The amendment of the Senator from Lawrence, as offered to the resolution of the Senator from Ripley, was again taken into consideration.

Mr. Mitchell moved to lay the resolution and amendment on the table;

Which motion was negatived.

On motion, the Senate adjourned.

THURSDAY MORNING, DEC. 21, 1837.

Senate assembled.

The President laid before the Senate a communication from the State Board of Internal Improvement.

On motion of Mr. Stanford, referred to the committee on canals and internal improvements.

The President also laid before the Senate the following communication from his Excellency the Governor.

EXECUTIVE DEPARTMENT, Dec. 19, 1837.

HON. DAVID HILLIS,

President of the Senate:

SIR—In compliance with the act of the legislature creating the Board of Canal Fund Commissioners, I nominate for the consideration of the Senate, Caleb B. Smith of Fayette county to fill the vacancy in said Board caused by the resignation of Jeremiah Sullivan, and respectfully request the advice and consent of the Senate thereto.

DAVID WALLACE.

Mr. Kennedy offered the following resolution:

Resolved, That the Senate do advise and consent to the nomination of Caleb B. Smith as one of the Fund Commissioners of the State of Indiana.

Ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of M., Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Little, Moffitt, Morgan of D., Morgan of R. Mount, Puett, Sigler, Smith, Stanford, Stewart, Turman, Thompson of J. Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D. Watt of U., and Vawter—41.

Those who voted in the negative were,

Mr. Mitchell—1.

So said resolution was adopted.

Ordered, That the Governor be informed thereof.

Mr. Stanford from the committee on enrolled bills now reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed joint memorial of the Senate No. 6, entitled

A joint memorial of the General Assembly of the State of Indiana in relation to the harbor at Michigan City,

And find the same truly enrolled.

The following communication was received from the Governor by his private secretary, Mr. Maguire:

Mr. PRESIDENT—

The Governor has approved and signed an act which originated in the Senate, entitled

An act to legalize the acts of Anthony F. Smith as assessor of Fulton county for the year 1837.

Mr. Ewing from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor for his approval and signature a bill of the following title, to-wit:

No. 11—An act to legalize the acts of Anthony F. Smith, as assessor for Fulton county, for the year 1837.

Mr. Tuley presented a petition from James W. Porter and others, on the subject of establishing a seminary at Greenville, &c.;

Which was referred to a select committee composed of Messrs. Tuley, Mitchell and Daily.

Mr. Thompson of L. of the Judiciary committee now reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate instructing an inquiry into the expediency of so amending the law regulating frauds and perjuries, that the legality or priority of any deed or deeds of conveyance, hereafter made, shall be considered from the date of the record thereof, in the proper county where the land conveyed by such deed or deeds may be situated, have after considering the same, directed me to report that it is inexpedient to legislate on the subject, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Thompson of L. from same committee also reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of reporting a bill, requiring mortgages upon personal property to be recorded in the office of the recorder of the county in which said mortgages may be given, have, after deliberation thereon, directed me to report the following bill, entitled:

A bill No. 33, for recording of mortgages on personal property;

Which being read a 1st time, was ordered to a 2d reading on tomorrow.

Mr. Thompson of L. of the judiciary committee again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate instructing an inquiry into the expediency of repealing so much of an act entitled an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831, as requires justices in any case, to issue a scire facias against a replevin bail; and to so amend said act as to require justices of the peace to issue an execution *fi. fa.* against the judgment debtor and his replevin bail jointly, have after considering the same, directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Thompson of L. of the judiciary committee further reports:

Mr. PRESIDENT--

The judiciary committee to which was referred a resolution of the Senate instructing an inquiry into the expediency of so amending the several acts in relation to the selection of grand jurors, as to prohibit the sheriff or any other officer of the court, from appointing or selecting talismen to fill up those juries, have after considering the same, directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Thompson of L. from the judiciary committee again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of amending an act entitled an act amendatory of an act entitled an act, approved Feb. 1, 1831, approved Feb. 2, 1833, to repeal the third section of said act, and so to amend said act in relation to the assessment of fine for usurious interest, as that said fine shall be assessed without regard to any definite sum, have considered the several subjects embraced in said resolution under consideration, and have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Thompson of L. from the judiciary committee further reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of so amending the law, as to authorize married females, under the age of twenty-one years, to join with their husbands in the conveyance of real estate, have after considering the same, directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Thompson of L. from the judiciary committee further reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of making a provision for an increase of the fees of grand and petit jurors, and of associate judges, have directed me to report that it is inexpedient to legislate on that part of the resolution which relates to associate judges, and ask to be discharged from the further consideration thereof; and have also directed me to report the following bill:

The committee were accordingly discharged.

Bill No. 34, entitled a bill regulating the fees of grand and petit jurors; Which being read a 1st time; was, on motion, the rules being dispensed with, read a 2d time now.

Mr. Mitchell moved to amend said bill by inserting at the end of the 1st section "and that the associate judges of the several counties of the state be each allowed three dollars per day for every day they may be necessarily employed in the discharge of their official duties;"

Ayes and noes being called for,

Those who voted in the Affirmative were,

Messrs. Baird of St. Jos., Bell, Bowen, Brady, Casey, Cathcart, Clark, Cole, Crawford, Dobson, Dunn, Dunning, Green, Kennedy, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Turman, Trask, and Watt of U.—25.

Those who voted in the Negative were,

Messrs. Beard, Bradbury, Chambers, Colerick, Daily, Elliott, Finch, Hackett, Hoagland, Moore, Puett, Smith, Stanford, Stewart, Thompson of J., Thompson of L., Thompson of P., Tuley, Walker, Watts of D., and Vawter—21.

So said amendment was adopted.

Mr. Sigler proposed to amend the bill by adding the words "and twenty-five cents" after the word "dollar" in the 1st section.

Upon which question the ayes and noes were called,

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Beard of M., Bradbury, Brady, Casey, Cathcart, Chambers, Cole, Colerick, Daily, Dobson, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Moore, Morgan of D., Sigler, Stafford, Turman, Thompson of J., Thompson of L., Watt of U., and Vawter—28.

Those who voted in the negative were,

Messrs. Bell, Bowen, Clark, Crawford, Dunn, Little, Mitchell, Moffitt, Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Thompson of P., Trask, Tuley, Walker, and Watts of D.—19.

So said amendment was adopted.

Mr. Dunning proposed further to amend by adding, and that each person who is summoned and serves as a juror, before any justice of the peace in any case shall be allowed as a compensation for such service 50 cents, to be paid and collected in the same manner as jurors fees are now paid and collected before justices of the peace;

Which was agreed to.

The question then being, shall the bill as amended be engrossed and passed to a 3d reading on to-morrow? and the Senate decided in the affirmative.

Mr T Thompson of L. from the Judiciary committee further reports:

MR. PRESIDENT—

The Judiciary Committee to which was referred a resolution of the Senate instructing an inquiry into the expediency of making a provision, by law, for the call of Circuit Courts in certain cases, have considered the same and have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Thompson of L. from the Judiciary committee also reports,

MR. PRESIDENT—

The Judiciary Committee to which was referred that part of the Message of His Excellency the Governor, which relates to the requests of the Governor of Kentucky, asking protection from our laws, against the seduction and concealment of the slaves of the citizens of that state, when they escape, and as they pass along the Ohio river, in the service of their master, together with a preamble and joint resolution of the Legislature of Kentucky on that subject, have directed me to submit the following report.

The State of Indiana, having been ever mindful of the interests of her sister States, has carefully avoided any interference with the delicate and exciting question of slavery. Yet, while she has thus refrained, she has given ample evidence of her intention to afford to the owners of such slaves as may seek refuge in her territory, the most summary method of reclaiming them. Her laws, now in force, are, in the opinion of the committee, sufficient to effect the object desired by the preamble and resolutions before them, and they can suggest no amendment which would afford more certain security to the slave-holders of other states. Every object desired by the Legislature of Kentucky seems to be had in view, in the formation of our present statute on that subject, and not only is there ample provision made for reclaiming a fugitive slave, but a heavy penalty is imposed upon every individual who shall employ or conceal a slave, encourage his escape, give him a certificate of emancipation, or a pass, or who shall obstruct his arrest when claimed by the owner.

The committee, under this view of the subject, think it requires no further legislation, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

On motion the Senate ajourned.

2 o'clock P. M.

Senate assembled.

Mr. Thompson of L. offered the following resolution:

Resolved. That the Senate will (the House of Representative concur-

ring therein) when it adjourns on Saturday the 23d inst. adjourn to meet again on Tuesday the 2d day of January next at 9 o'clock A. M.

Mr. Thompson of P. moved to amend by striking out all after the word "adjourns" and insert "from Saturday 23d, until Tuesday the 25th inst. 9 o'clock A. M.

The ayes and noes being called,

Those who voted in the Affirmative were,

Messrs. Bradbury, Brady, Casey, Cathcart, Clark, Crawford, Daily, Dunn, Finch, Green, Hackett, Little, Morgan of D., Mount, Smith, Stewart, Turman, Thompson of P., Tuley, and Watt of U.—20.

Those who voted in the Negative were,

Messrs. Baird of St. J., Beard of M., Bell, Bowen, Chambers, Cole, Colerick, Dobson, Dunning, Elliott, Ewing, Moffitt, Moore, Morgan of R., Puett, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Trask, Walker, Watts of D. and Vawter—24.

So the amendment was not adopted.

Mr. Walker then moved to amend the resolution by striking out "Tuesday the 2d day of January next," and insert "Wednesday the 27th inst."

Mr. Morgan of R. proposed to amend by inserting Thursday the 28th, which amendments were negatived.

The question then was, shall the resolution be adopted?

The ayes and noes being called for,

Those who voted in the Affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bowen, Cole, Colerick, Crawford, Dobson, Dunning, Elliott, Ewing, Kennedy, Mitchell, Moore Morgan, of R., Sigler, Thompson of J., Thompson of L., Trask, and Vawter—19.

Those who voted in the Negative were,

Messrs. Bell, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Daily, Dunn, Finch, Green, Hackett, Hoagland, Little, Moffitt, Morgan of D., Mount, Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Tuley, Walker, Watts of D. and Watt of U.—28.

So the resolution was not adopted.

Mr. Thompson of L. offered the following resolution:

Resolved, That the Senate will, the House of Representatives concurring therein, when it adjourns on Saturday the 23d inst., adjourn to meet again on Thursday the 28th instant.

Mr. Thompson of P. moved to amend by striking out Thursday and inserting Wednesday;

Which was not agreed to.

The question then was, shall the resolution be adopted?

The ayes and noes being called,

Those who voted in the Affirmative were,

Messrs. Baird of St. J., Beard of M., Bowen, Brady, Cathcart, Chambers, Cole, Colerick, Crawford, Dobson, Dunning, Ewing, Finch, Kennedy, Moffitt, Morgan of D., Morgan of R., Stanford, Turman, Thompson of J., Thompson of L., Trask, Tuley, Walker, and Vawter—25.

Those who voted in the Negative were,

Messrs. Bell, Bradbury, Casey, Clark, Daily, Dunn, Elliott, Green, Hacket, Hoagland, Little, Mitchell, Moore, Mount, Puett, Sigler, Smith, Stafford, Stewart, Thompson of P., Watts of D. and Watt of U.—22.

So said resolution was adopted.

Mr. Thompson of L. informed the House of Representatives thereof.

Mr. Stanford of the Committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bill of the House of Representatives No. 32, entitled

An act to legalize the acts of the Fayette County Bridge Company, and find the same truly enrolled.

Mr. Morgan of the select committee on that subject now reports:

That the select committee to whom was referred the resolution on the subject of the rules of the Senate and joint rules of the two Houses, report, That the printed rules of 1835 contain all the standing rules of the Senate and joint rules of the two Houses, except the resolution of the Senate on the subject of the appointment of the committee on canals and internal improvements as amended at the present session, and the amendments to the joint rules relative to the numbers of the joint committees on the Canal Fund and the State Library, the committee have directed me to report the accompanying resolution:

Resolved, That the public printer be directed to print two hundred copies of Standing Rules of the Senate and the Joint Rules of the two Houses as printed in 1835, with the following amendments and modifications.

1st Amendment—Strike out all that relates to the committee on unfinished business.

2d Amendment—After the words “enrolled bills” in the 8th rule of the Senate, insert

“The committee on canals and internal improvements shall consist of

two Senators from north of the Wabash until that portion of the state shall be entitled to a representative in Congress."

1st Amendment, to Joint Rules—Strike out the 10th Rule, and insert

"A standing committee shall be appointed on the part of each House to consist of such a number as each House shall appoint not exceeding eight to act as a joint committee on the canal fund."

2d Amendment—"A standing committee to consist of such members as each House may appoint, shall be appointed as a joint committee on the State Library."

On motion of Mr. Morgan of R. the report and resolution was laid on the table.

Mr. Cathcart gave notice that he would on to-morrow move to amend the standing rules of the Senate by appointing one member from each judicial circuit on the committee of canals and internal improvements.

Mr. Elliott from select committee on that subject reports:

Mr. PRESIDENT—

The select committee to whom was referred a Petition of Jacob Chrisman and others, praying a state road from Cambridge to Fort Wayne, have had the same under consideration and have directed me to report the following bill entitled

A bill No. 35, to locate a state road from Cambridge City to Fort Wayne;

Which being read a 1st time, was on motion, the rules being dispensed with, read a 2d time, and ordered to be engrossed and read a third time on to-morrow.

Mr. Crawford presented a petition from James Hostetter, relative to a state road leading from Lima in Lagrange county to Huntington, &c. referred to a select committee composed of Messrs. Crawford, Colerick & Baird of St. Joseph.

Mr. Ewing presented a petition from G. S. Dart and others, praying a state road from Logansport to David Casebiers, where it will intersect with the old state road.

Referred to a select committee on roads.

On leave being given, Mr. Trask presented a remonstrance from Jacob Davis and others, which was laid on the table.

Mr. Tuley of a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition of J. W. Porter and others, have had the same under consideration, and now ask leave to submit the following bill, entitled

A bill No. 36, to incorporate the Greenville seminary in Floyd county; which being read a 1st time was ordered to a second reading on to-morrow.

Mr. Cathcart presented a bill No. 37, entitled

A bill to provide for the collection of a part of the revenue of La-porte county and for other purposes; which being read a 1st time;

On motion, the rules of the Senate were dispensed with and it was read a second time and referred to a select committee composed of Messrs. Cathcart, Baird of St. Joseph and Walker.

Mr. Green presented a bill No. 38, entitled

A bill to establish a state road from Sander's Ferry to the Patriot and Versailles road; which was read a 1st time and ordered to a 2nd reading on to-morrow.

On motion, Senate adjourned.

FRIDAY MORNING, DEC. 22, 1837.

Senate Assembled.

Mr. Brown presented a petition from Nathan Reed, relative to physicians serving as jurors &c.,

Which was referred to the judiciary committee.

Mr. Beard of M., of the committee on roads, now reports:

Mr. PRESIDENT—

The standing committee on roads to whom was referred that part of the Governor's message which relates to the 3 per cent. fund; together with the report of the Agent of the 3 per cent. fund, have had that subject under their consideration, and find from an examination of these documents, that the appropriations heretofore made by the legislature exceeds the receipts from the United States \$140,781 91. Your committee therefore see no necessity for legislation on that subject, and ask to be discharged from the further consideration of the same.

The committee were accordingly discharged.

Mr. Walker from the committee on public buildings now reports:

Mr. PRESIDENT—

The committee on public buildings to whom was referred a resolution relative to the roof of the capitol, have had the same under consideration and directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

On motion of Mr. Morgan of R., the report and resolution from a select committee, relative to the rules of the Senate and joint rules of the two Houses, were taken from the table for further consideration.

Mr. Cathcart, in accordance with previous notice given, now moved to strike out the words "two members from each congressional dis-

trict" and insert in lieu thereof "one from each judicial circuit;"

Which was not agreed to.

The question then was, 'shall the resolution be adopted?' and the Senate decided in the affirmative.

Mr. Cathcart from a select committee on that subject, reports:

Mr. PRESIDENT—

The select committee to whom was referred A bill, No. 37, entitled a bill to provide for the collection of a part of the revenue of Laporte county, and for other purposes report the same back to the Senate without amendment.

On motion of Mr. Cathcart the rules were suspended, and the bill was considered as engrossed and read a third time now. The question then was shall the bill pass? and the Senate decided in the affirmative.

The resolution which was offered by the Senator from Ripley relative to the State Bank, was taken from the table.

Mr. Thompson of L. proposed to amend by the following: That it is in the opinion of the Senate, the duty of the State Bank of Indiana, to resume specie payment, at the earliest period when it can be permanently practicable, without such a reduction of business or circulation as may injuriously affect the interest of the people.

Mr. Kennedy moved to amend the amendment by striking out the word "permanently" which was not agreed to.

Mr. Morgan of R., moved to amend the resolution by inserting the words "own" in the 4th "and public interest" in the 5th line;

Which was accepted.

On motion of Mr. Cathcart, the resolution and amendments were laid upon the table.

On motion of Mr. Moore,

Resolved, That owing to the unexpected derangement of money, The committee on the judiciary be instructed to inquire into the expediency of providing for a stay law of the following form: all amounts sued for, shall be stayed as follows: ten dollars, 4 months; twenty dollars, 6 months; thirty dollars, 7 months; fifty dollars, 9 months; one hundred dollars, 11 months; and one hundred and fifty and over, 12 months.

On motion of Mr. Tuley,

Resolved, That the committee on education be instructed to inquire into the expediency of amending the 5th section of the 8th chapter of an act incorporating congressional townships and providing for public schools therein, approved February 6th, 1837, so as to authorize the School Commissioners to sell any unsold school lands, when it shall have been certified to said Commissioner that a majority of the voters present at any township election (when due notice has been given) shall have voted in favor of such sale: and that said committee be instructed to inquire into the expediency of repealing the 9th chapter of the aforesaid act.

On motion of Mr. Smith.

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of prohibiting lawyers from taking contingent or conditional fees—the amount depending upon the successful event of the suit.

Resolved, That a select committee be appointed to inquire into the propriety of allowing fees to witnesses in cases of acquittal in criminal cases, with leave to report by bill or otherwise. Referred to Messrs. Trask, Brown, and Clark.

On motion of Mr. Brown,

Resolved, That a select committee of eleven (one from each Bank District) be appointed to examine into the conduct of the following branches of the State Bank, to wit: The Branch at Indianapolis, the Branch at Lawrenceburgh, the Branch at Madison, the Branch at New Albany and the Branch at Lafayette.

Mr. Mitchell proposed to amend by adding the Branch at Vincennes; Which was accepted.

Mr. Kennedy then moved to amend by extending the examination to all the Branches in the State.

Mr. Dobson moved to amend the amendment by adding 'if the committee think necessary;' which was accepted.

The question then was, 'shall the resolution as amended be adopted?'

And the Senate decided in the affirmative.

On motion of Mr. Thompson of P.

Resolved, That the judiciary committee be instructed to inquire into the expediency of abolishing imprisonment for debt in all cases except those in which the plaintiff may file an affidavit that he believes the debtor is about to abscond or fraudulently conceal his property.

On motion of Mr. Vawter,

Resolved, That the committee on canals and internal improvements be directed to inquire into the expediency of authorizing the State Bank to pay over to the State Treasury, the amount of the 4th instalment of the surplus revenue of the United States payable to the State of Indiana on or before the first of January, 1839, to be paid in anticipation of said 4th instalment, subject to the provisions of 'an act of the General Assembly, approved February 6th, 1837;' which act provides for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836, with leave to report by bill or otherwise.

Leave being given,

Mr. Dunning presented a bill, No. 39, entitled 'a bill authorizing the sale of certain school lands therein named, and for other purposes;'

Which being read a first time, on motion of Mr. Dunning, the rules were dispensed with, and it was read a second time now—the rules being further dispensed with, it was read a third time now, and passed.

Mr. Casey presented a bill, No. 40, entitled 'a bill to incorporate a certain company therein named;' which being read a 1st time.

On motion of Mr. Casey, the rules were dispensed with, and it was read a 2d time now, and referred to the committee on corporations.

Mr. Crawford presented a bill, No. 41, entitled 'a bill declaring certain county roads therein named, state roads, and for other purposes;'

Which being read a first time, was,

On motion of Mr. Crawford, the rules being dispensed with, read a second time and referred to the judiciary committee.

On motion of Mr. Morgan of D.,

Resolved, That the committee of Ways and Means be instructed to inquire what amendment is necessary to the law defining the duties of Assessors, so as to, if possible, insure a more faithful performance of the duties, with leave to report by bill or otherwise.

Mr. Stanford from the committee on Enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bill of the Senate No. 25, entitled an act to incorporate the American Cannail Coal company, and find the same truly enrolled.

Mr. Finch presented a bill (No. 42) entitled "a bill to locate a State road therein named," which being read a 1st time—on motion of Mr. Finch, the rules were dispensed with and it was read a 2d time now.

Ordered, That the bill be engrossed and read a third time on tomorrow.

On motion of Mr. Baird of St. J.

Resolved, That the President of the State Bank be requested to report to this Senate (as soon as practicable) the reason why the twelfth branch of said bank has not been located. And whether the Directors have not frequently had that subject before them, thereby inducing the citizens of the north to believe that the location thereof would have been made anterior to this time. And also, whether some of the Directors have not more than once, gone to the north, with a view to satisfy the Board where said branch should be located, by reporting the result of their examinations. And why it is, that after such examinations have been repeated, that no action has taken place in the location thereof and when it will be, that said branch will be located. And further, to report whether in his opinion the business transactions of the northern portion of the state, do not demand and require the immediate location of said branch, in pursuance of the provisions of the 3d section of the act entitled "an act to establish a State Bank."

Mr. Elliott offered the following resolution.

Resolved, That the Committee on the State Bank inquire into the expediency of increasing the Stock of the several branches of the State Bank of Indiana, and report by bill or otherwise.

Mr. Beard of M. moved to amend by striking out the word "Stock." Not agreed to.

Mr. Sigler moved to amend by inserting "and to provide for an additional number of branches"—which was negatived.

The question then was "shall the resolution be adopted?" And the Senate decided in the negative.

On motion of Mr. Trask, a bill No. 43, which was reported by the committee on Unfinished Business, was taken up, entitled "a bill to alter and define the boundaries of Grant county."

Which being read a 1st time, was, the rules being dispensed with, read a second time and referred to a select committee composed of Messrs. Trask, Bell, Cole and Kennedy.

The following message was received from the House of Representatives by Mr. Elliott their Clerk.

MR. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the House of Representatives will (the Senate concurring therein) commence the revision of the Statute Laws of this state on Thursday the 28th inst. and that the Senate be informed of the adoption of this resolution, and that a joint committee be appointed to act as a committee of Revision, and that said committee consist of 9 members on the part of this House.

Mr. Brady moved that the Senate concur in the resolution.

And on motion the Senate adjourned.

2 o'clock, P. M.

Senate Assembled.

The resolution contained in the message from the House of Representatives was taken up for further consideration.

The question was on the adoption of the motion of concurrence of the Senator from Marion.

The question being, will the Senate concur in the resolution? The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Bell, Brown, Bradbury, Brady, Cathcart, Colerick, Dobson, Dunning, Elliott, Finch, Green, Hoagland, Kennedy, Mitchell, Moore, Morgan of R., Puett, Stanford, Turman, Thompson of P., Trask, Tuley, Walker, and Watt of U.—24.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Casey, Chambers, Clark, Cole, Crawford, Daily, Dunn, Ewing, Hackett, Little, Moffitt, Morgan of D., Mount, Sigler, Smith, Stafford, Stewart, Thompson of L., Watts of D., and Vawter—22.

So said resolution was adopted.

Ordered, That the Secretary inform the House of Representatives thereof.

On motion of Mr. Vawter, Mr. Thompson of L. obtained leave of absence until Monday next.

The following message was received from the House of Representatives by Mr. Elliott their clerk.

Mr. PRESIDENT—

The House of Representatives have concurred in the resolution of the Senate, adjourning from Saturday the 23d inst. until Thursday the 28th inst.

The President laid before the Senate a report from William Polke, Commissioner of the Michigan Road.

On motion of Mr. Elliott, it was laid upon the table and 100 copies ordered to be printed.

INDIANAPOLIS, Dec. 22, 1837.

SIR—

I herewith transmit my annual report with the accompanying documents, and I have to request you to lay them before the body over which you preside.

I am very respectfully,

Your obed't servant,

WM. POLK, C. M. R.

HON. DAVID HILLIS,

President of the Senate:

To the General Assembly:

The Commissioner of the Michigan road, in compliance with the provisions of the law, now submits to the General Assembly a report of his operations during the current year.

On the 20th of January immediately on the passage of the act authorizing him to correspond with the Commissioner of the General Land Office, he addressed a letter to that office, of which document A is a copy. In reply he received a communication of which B is a copy: from which it appeared that there was an error, either in the report from the Register at Fort Wayne, to the Commissioner of the Michigan road, or to the Commissioner of the General Land Office. Your Commissioner immediately addressed a letter to the Register at Fort Wayne, and proceeded to the Land Office at Laporte, in order to make an examination of all the facts and circumstances of the case, and ascertained that the books and maps furnished to the Laporte Land Office, were precisely the same as those which had been reported to him. On the 10th of April, he forwarded a second letter to the General Land Office, of which the accompanying document marked C, is a copy, and in reply received a letter dated the 27th of the same month, a letter, of which the document marked D, is a copy. From the correspondence it appeared that the selections so far as reported

were examined and approved; and that there remained 1,654 acres and 40-100 yet to be selected to complete the grant. He was desired to make the selections at as early a period as practicable and in legal subdivisions, if possible, and that the selection should be speedily confirmed, and the certificate of title transmitted to the Secretary of State of Indiana.

On the receipt of this communication your Commissioner proceeded to make the most judicious choice in his power in order that the selected lands might be disposed of at \$5 per acre, the minimum price designated by the act referred to at which he was authorized to sell. The best lands had been generally sold by the United States. It therefore required much caution and careful examination to make selections, which in the existing state of the monied affairs of the country, would realize the sum of \$5 per acre. The Pottawatamie reserve contained the only lands which could be selected with any positive certainty of their realizing the sum fixed by law. It therefore became necessary to wait for the completion of the surveys, which were made on the 25th of July last. The selections were then made in anticipation of the return of the maps of the Gen. Land Office, where the list of selections were forwarded, and also to the Land Office at Laporte. An advertisement was likewise sent to the publishers of the Logansport Telegraph, announcing the 10th of October as the time fixed for the sale at Chippewa. Being anxious to bring the business to a close, he addressed a letter on the 5th of August last to the Commissioner of the General Land Office, of which the document marked E is a copy; and at the same time another to the Surveyor General at Cincinnati, desiring him to furnish copies of the plats of the Pottawatamie reserve, so far as received. The latter were indispensably necessary to enable your Commissioner to prepare his tract books by the time fixed for the sales. On the 25th of August he received a letter, of which document marked F, is a copy, from the General Land Office, and at the same time the plats requested, from the Surveyor General. From an examination of the latter he discovered some errors in the list of sections previously transmitted. On the 25th of the same month, he furnished an amended list containing the corrections made in conformity with the plats received. Document marked C, is a copy.

Having now concluded all the correspondence necessary on the part of the Commissioner, he waited the arrival of the final certificate of title previous to the contemplated sales of the land.

From the pressure of business in the land office it is probable that the Commissioner, notwithstanding his accustomed promptness, was unable to comply with the request with respect to the transmission of the certificates previous to the sales. Your commissioner on submitting the correspondence to his Excellency the late Governor, was advised not to postpone the sales on that account. As all the preliminary arrangements were finally adjusted and approved of, and as no other correspondence was necessary, except to receive the final certificate, he acted in accordance with the advice, and proceeded to sell the lands

On his arrival at the seat of Government, he may remark that he was informed by the Secretary of State, that the final certificate had not been received. On comparing the selections and sales with the maps recently received from Laporte, he ascertained that there was a small fraction selected above the amount due the State, which had not been sold. On the 12th inst. he addressed a letter to the Commissioner, of which H is a copy, containing a full and accurate list of the selection and repeating the request for the transmission of the certificate of title.

As the office of your commissioner expires on the last day of the present month, the propriety of extending it for one or two months longer, is respectfully suggested. Your commissioner would thereby be enabled to bring the difficult and embarrassing business to a final adjustment, which can be effected immediately on the receipt of a reply to his last communication.

There has been entered at the office of the Michigan Road, 1101 acres and 22 hundredths, of former selection, as will appear from the Register of Certificates, from No. 2032 to 2040 inclusive amounting to \$1,376 52.

Document, marked I, herewith submitted, is a register of certificates of the recently selected lands that were sold. The certificates numbering from 2041 to 2065 inclusive, amounting to 1548 and 21-100 acres, from which was realized the sum of \$9056 70. The average amount obtained per acre was five dollars and eighty-five cents. The aggregate amount received during the current year amounts to ten thousand four hundred and thirty-three dollars and twenty-two cents.

Early in April last, your commissioner was furnished with a certified copy of an act approved Feb. 2d, 1837, entitled "an act supplemental to an act entitled an act authorizing the Commissioner of the Michigan Road to correspond with the Commissioner of the General Land Office, &c.

By this act he was authorized and required to pay to the Commissioners of the "bridge street, and Michigan road free bridge" the sum of five thousand dollars, as soon as a sufficiency was obtained to complete the bridge, due notification of which was to be given. On the commencement of said bridge, he received a notification from Jordan Vigus, the authorized agent and Treasurer of the company, that the required amount had been subscribed. The appropriated sum of \$5000 has been paid to the commissioners of said bridge.

As no person has been authorized to receive the \$5000 appropriated for the bridge over White River, it has not been paid.

Your commissioner begs leave to remark that he examined the bridge street, and Michigan road bridge, on his journey to Indianapolis, and has the satisfaction to inform the General Assembly, that the stone work is completed, the timber mostly on the ground, part of it raised and appeared to be done in a workmanlike manner. From the paper appended to this report, of which K. is a copy, there appears to be a deficiency of \$1060 to complete said bridge, which fact is respectfully submitted to the General Assembly.

Your commissioner received on the 21st of June last, a communication from Daniel Yandes, acting under a resolution of the board of Internal Improvement requiring him to take steps preparatory to the survey of the Michigan road. Of this communication, consisting of inquiries with regard to the state of the Michigan road and its funds, the document marked L is a copy. His inquiries were promptly responded to, in a communication of which the document marked M is a copy. On the 14th of August your commissioner paid to Mr. Yandes the sum of \$1000 and has since paid on his orders \$900 making in all the sum of \$1900, paid for the purpose of making the survey and estimates.

The act approved 2d February, 1837, authorized your commissioner to dispose of the tools belonging to the Michigan road fund, at public sale, under the direction of such persons as he might designate. The tools were mostly old, consisting of axes, mattocks, and spades, scattered along the whole line of the Michigan road, in possession of such persons as had used them as contractors. From Erasmus Powell and Charles Polke, Esquires, in whose care tools were left to the amount of between 20 and 30 dollars, no returns have as yet been received, but are daily expected. The amount received is \$100 29 $\frac{1}{2}$, as will appear, by reference to the document N, appended.

Document marked N, herewith submitted, will exhibit the amount of funds on hand, at the close of the last year, the amount derived from the sale of the lands, during the current year, the amount paid out on contingent expenses in selecting and selling the lands, and that remaining on hand to satisfy all existing demands and claims against the funds. Such other information is likewise included, as may enable the General Assembly to bring to a close this tedious and complicated business.

Document marked O will exhibit the remaining amount of lands yet to be disposed of.

All of which is respectfully submitted.

WM. POLKE, C. M. R.

Indianapolis, Dec. 22d, 1837.

A

OFFICE OF COMM'R. M. ROAD, }
January 20th, 1837. }

SIR—I herewith transmit a copy of my report, submitted to the General Assembly of the State of Indiana, on the 14th of December, 1835, which contains the correspondence with the Commissioner of the General Land Office and the Register at Laporte, on the subject of completing the selections for the Michigan Road Grant. As no reply has been received to my letter of September 16, 1835, (see document K) and as all the lands included in the list then forwarded have been sold and certificates of title granted by the authority of the State of Indiana to the purchasers, your early attention to the business of perfecting the title to the State is respectfully requested.

Connected with the business, I send a copy of the certificate forwarded to the office of the Secretary of State, dated August 14th, 1835, from the General Land Office, for such tracts as had been reported as selected. On comparing it with the maps and tract books furnished by the Register of the Land Office at Fort Wayne, of lands sold by the United States previous to the passage of the act, approved March 2d 1831, confirming the selections made that remained, I find some tracts included that were returned as sold, some others that were reported as not sold omitted; and also section 27, fract. 32 and section 34, all in town. 28 N. R. 5 east, that had been previously selected and confirmed to the state as canal lands. I have annexed to the certificate above alluded to, such discrepancies as I have discovered. They will appear by a reference to the maps in your office.

After comparing the discrepancies so far as detected, there remains a balance of fifteen hundred and eight acres and sixty-five hundredths, yet to be selected to complete the entire road grant. From the act of the General Assembly, approved January 20, 1837, which I herewith transmit, you will discover the necessity of having this tedious and complicated business finally adjusted.

I am sir, yours with considerations of respect,

WM. POLKE, C. M. R.

TO THE HON. JAMES WHITCOMB,
Com'r. Gen. Land Office,
Washington City.

B

GENERAL LAND OFFICE, }
February 24th, 1837. }

SIR—Your letter of the 20th ult. with its several enclosures relative to the selection of land for, and construction of the Michigan road has been received.

The quantity of lands selected for this road and approved is

114,690.53 acres.

This quantity embraces 3 tracts which had been previously granted to aid in the construction of the Wabash and Erie Canal, viz:

Section 28, 2 5 E.	640
Fractional Section 32 " "	223.52
Section 34 " "	640

And one tract the W. ½ of N. W. ¼, Sec.

22, 17, 4 E. sold prior to the act of 1831 80

1,583.52 "

Corrected quantity which has been approved

113,107.01

There is now in this office a list of tracts which has been examined and is now ready for approval, containing

56,042.12 "

Leaving to be reported to this office for examination and approval

1,265.29 "

The list referred to above as now ready for approval, includes the six half quarter sections reported by you on the 18th of January last, as having been "sold as Michigan Road Lands" as well as all other lands heretofore reported by you.

I have now to request that you report to this office, the selection as near as may be in legal subdivisions, the small quantity remaining to complete the grant, on the receipt of which an official statement will be immediately prepared, and transmitted to the Executive of Indiana.

Very respectfully sir, I am your ob't serv't,

JAMES WHITCOMB, Com'r.

P. S. The Register at Fort Wayne was in error in stating to you that the S. W. $\frac{1}{4}$ of section 26 and the fraction (north of the Indian boundary) of section 36, 37, 2 east had been sold by the U. States. They are marked in our books and plats as having been granted to the state for the Michigan Road.

J. W.

To WM. POLKE, Esq., Com'r M. R. L.,
Chippewa, Indiana.

C

Laporte, April 10th, 1837.

Sir—

On an axamination of the books of the Register's office, at this place it appears that the south-west quarter of section 26, town 37 north, range 2 east, containing one hundred and sixty acres, was sold at Fort Wayne, to Samuel Rupel, April 29, 1831; east half of north fractional section 36, containing one hundred and fifteen acres, and eighty-five hundredths, was sold to Jacob Bowman, April 11, 1831; and that west half of the latter, containing one hundred and thirteen acres, and twenty-six hundredths was sold to Benjamin M'Carty, Nov. 18th, 1830. By a reference to the law confirming the selections approved March 2, 1831, it will be discovered. that the first two above named tracts were sold after they had been conveyed to the State of Indiana by the act referred to. Presuming, however, that the sales were made before the officers at Fort Wayne were advised of the disposition previously made of the lands, I shall select other lands in lieu thereof, agreeably to yours of the 24th of February.

I am, sir, very respectfully,

Your ob't. servant,

WM. POLKE, C. M. R. L.

Hon. James Whitcomb, Commissioner of the General Land Office.

D

General Land Office, April 27, 1837.

Sir—

On further examination in this office, it appears that the two tracts mentioned in your letter of the 10th inst. to wit: the south-west quarter of section 26, and the fraction north of the Indian boundary line, of section 36 in 37 north of 2 east containing 389 11-100th acres, were as you state, sold at Fort Wayne. The error arose from the omission to transfer these entries from the Fort Wayne to the Laporte tract books.

You will therefore select the above mentioned quantity of land for the Michigan Road in addition to the quantity stated in my letter of the 24th February last.

I am, very respectfully,

Sir, your ob't. servant,

JAS. WHITCOMB, Commis'r.

Wm Polke, Esq. Michigan Road Commissioner, Chippewa, Indiana.

E

Office of Commissioner Michigan Road, }
Chippewa, Aug. 5, 1837. }

Sir—

I forwarded on the 25th of July last, to the General Land Office, a list of the selected lands requisite to complete the entire Road grant made agreeably to the instructions contained in your letters of the 24th of February and 27th of April, 1837. The third section of the act of the General Assembly, entitled, "An act authorizing the Commissioner of the Michigan Road to correspond with the Commissioner of the General Land Office," &c. &c., makes it my duty to record in my tract book the certificate of title obtained from the United States, and to hand over the same to the Secretary of State, previous to the sales of said lands. By the enclosed advertisement, offering for public sale the lands in question, you will perceive that I rely on your speedy approval of the selections which have been made, and I have to request you to transmit to this office at an early period the certificate of title, to enable me to comply with the requisition of the act of the Legislature.

I have the honor to be, respectfully,

Sir, your obedient servant,

WM. POLKE, C. M. R. L.

Hon. J. Whitcomb, Commissioner General Land Office.

F

General Land Office, Aug. 10, 1837.

Sir—

Your letter of the 25th ult., reporting a list of tracts selected by you to complete the quota of land granted to the State of Indiana for the Michigan Road, has been received.

In reply I have to state that the official plats of survey of such portions of these selections as are situated in the late Indian reservations not having been returned to this office, I am on that account prevented from acting on them. The surveyor General at Cincinnati, has this day been instructed to send them on, and so soon as received, your request to have the selections approved, shall be attended to.

I am, very respectfully,

Your ob't. servant,

JAS. WHITCOMB, Commis'r.

Wm. Polke, Esq. Com. for the Michigan Road, Chippewa, Indiana.

G

Office Commissioner Michigan Road, }
Chippewa, Aug. 25, 1837. }

Sir—

I had the honor to receive by due course of mail your letter of the 10th ult., and at the same time the copies of the plats forwarded from the Surveyor General's Office at Cincinnati. A careful examination of the latter has resulted in ascertaining the errors made in the descriptions so far as received; and I now furnish an amended list, containing the corrections made in conformity with the plats referred to.

North-east and north-west quarters section 2, town 31 north, range 2 east, 365.44 acres.—Fractional south-east quarter section 11, town 33 north, range 6 east, 138.60 acres.—South-west fraction of section 12, town 33 north, range 6 east, 12.28 acres.—North-west fraction, (or 5) section 13, town 33 north, range 6 east, 26.78 acres.—No. 5, 6, 7 and 8 section 14, town 33 north, range 6 east, 211.28 east.—North half north-east, and west half north west quarter section 14, town 33 north, range 6 east, 160 acres.

Plats of the following recently surveyed lands have not been received, but I have annexed the estimated amount of acres they contain:—

West half, north-west quarter sec. 32, town 33 north, range 2 east, (west of east boundary Menominee Reserve,) 79 acres. West half, north-west fraction 27, town 31 north, range 3 east, (north of south boundary, Wewissa Reserve,) 92 acres.

The accurate amount can be ascertained by a reference to the plats adjoining the reserve. The General Assembly's making it my duty to dispose of the Lands at the present season, must apologize for my

so frequently and under other circumstances unnecessarily troubling you.

I am, sir, respectfully,

Your most ob't. servant.

WM. POLKE, C. M. R.

To the Hon. Jas. Whitcomb, General Land Office, Washington City.

H

Indianapolis, December 12, 1837.

Sir—

The following tabular statement exhibits a complete list of the Michigan Road Lands selected agreeably to the provisions of the act of the General Assembly of the State of Indiana, approved January 20, 1837, entitled, "an act to authorize the Commissioner of the Michigan Road to correspond with the Commissioner of the General Land Office, in order to have the title perfected to the State of Indiana, to the Michigan Road Grant, and for other purposes:"

Lot No. 4 or S. E. fraction	18, T. 30, N. R. 1 W.	55	acres.
Lots No. 2, 3, 4, 5, 6, W. $\frac{1}{2}$, S.			
W. $\frac{1}{4}$ & S. E. of S. W.	13, " " " 2 "	322.09	"
E. half, N. E.	14, " " " " "	80	"
Lot No 6 and frac. S. of Calamic	33, " 37 " 8 "	34.90	"
E. half of N. W. quarter	36, " 34 " 1 E.	80	"
N. E. qr and N. W. qr	2, " 31 " 2 "	365.44	"
Whlf N W (west Ind'n. bound'y	32, " 33 " " "	81.33	"
W half N W Frac. (N. Indian			
boundary)	27, " 31 " 3 "	93.27	"
S E fractional section	11, " 33 " 6 "	138.60	"
S W frac S of Lake, W. bound.	12, " " " " "	5.52	"
N W frac W of boundary	13, " " " " "	26.78	"
Lots 5, 6, 7, 8, N half N E N			
half N W	14, " " " " "	371.28	"
<hr/>			
			1,654.21 "

The above selected lands completes the entire quota of the Michigan Road Grant, with the exception of 19.100. In addition, I had selected the N. fraction of Section 12, Town 33, N. 6 E. containing 6 acres and 76-100, as reported in my last. It has been withdrawn as it was an excess over the entire road grant, I would respectfully solicit the transmission of the final certificate of title at as early a day as practi-

cable thereby enabling me to adjust, and finally settle the business, and close the concern during the present session of the General Assembly.

I have the honor to be, sir,

Respectfully your ob't serv't,

WM. POLKE, C. M. R.

To the Hon. JAMES WHITCOMB, }
Com'r of Gen. Land Office. }

P. S. All the land was sold except three small fractions containing 106 acres.

REGISTER of Certificates of Public Sales, October 10, 1837, of Michigan Road.

Date. 1837.	No. of cert.	Description.	Section	Town.	Range.	A. | H.	Price per acre.	Total am. \$ cts.	PURCHASERS' NAMES AND RESIDENCE.
Oct. 10	2041	Lot No. 4 or middle f.	13	30 N	2 W	47.18	\$9 05	426 98	Eden Shotwell, Laporte co., Ia.
"	2042	do do 5 or W fr N W	"	"	"	41.29	5 30	218 84	J. Willis & Co., J. W. Wright & E. Shotwell, Logansport and Laporte.
"	2043	W half S W	"	"	"	80	5	400	James F. D. Lanier, Madison, Ia.
"	2044	E half N E	14	"	"	80	8 10	648	J. Willis & Co., J. W. Wright & E. Shotwell, Logansport and Laporte.
"	2045	Lot No. 6 S E of S W	33	37	8 W	33	5	165	Leonard Cutler, Laporte.
"	2046	Fr S Calamic	"	"	"	1.90	12 50	23 75	James Walker, do.
"	2047	E half S W	36	34	1 E	80	5	400	Grove Pomroy, Marshall county, Ia.
"	2048	N half N E	2	31	2 E	103.28	5	516 40	Daniel W. Jones, do.
"	2049	S half "	"	"	"	80	5	400	same, do.
"	2050	N half N W	"	"	"	102.16	5	510 80	same, do.
"	2051	S half S E fr	"	"	"	80	5	400	same, do.
"	2052	W half N W	32	33	2 E	81.33	6 15	500 18	Timothy Barber, do.
"	2053	S half S E	11	"	6 E	67.60	10 05	670 38	William Barbee, Miami county, Ohio.
"	2054	S half S W fr	12	"	"	5.52	5	27 60	William Wough, Kosciusko county, Ia.
"	2055	S fr S W fr N W	13	"	"	26.78	8 10	216 92	same, do.
"	2056	N half N E	14	"	"	80	9 15	732	Wm. Barbee, Miami county, Ohio.
"	2057	E half W fr lot No 6 N B	"	"	"	53.32	5	266 60	same, do.
"	2058	W half E fr 5 N B	"	"	"	52.32	5	261 60	same, do.
"	2059	W half W fr N B	"	"	"	54.32	5	271 60	John Brown, Lawrence county, Ia.
"	2060	E half E fr N B	"	"	"	51.32	5	256 60	Wm. Barbee & Rowland Willard, Miami co., O.
Oct 12	2061	W half N W fr N B	27	31	2 E	93.27	5	466 35	A. G. Polke, Laporte county, Ia.

Since entered at \$5

2062	Lot NE and SE of SW 13 30	2W	83.82	5	419	James F. D. Lanier, Madison, Ia.
16/2063	Lot No 3 or SW of NE	"	34.80	5	174	Joseph Willis & Abm. Graffus, Logansport, Ia.
19/2064	N half N W	6 E	80.	5	400	Wm. Barbee, Miami county, Ohio.
Nov 21/2065	Lot No 6 S E	1W	55.	5	275	Jesse Jackson, Laporte, Ia.
			1548.21		9,056 70	

INDIANAPOLIS, December 20th, 1837.

I hereby certify that the foregoing Register of Certificates numbered from 2041 to 2065, is a correct list of lands sold at the office M. R. L.

WM. POLKE, C. M. R.

N. B. PALMER, Esq., Treas. of State.

K.*Bridge street and Michigan road Free Bridge.*

Amount subscribed by the citizens of Cass county	\$1,495 00
Doubtful debts—say \$350	350 00
	<hr/>
Certain amount	1,145 00
State appropriation	5,000 00
	<hr/>
	\$6,145 00
The above named Bridge was undertaken by Willis & Graffus for the sum of	\$5,750 22
with stone piers and abutments without siding and ruffing	
To complete with siding and ruffing	
	\$6,915 73

The directors entered into bond and security with Willis & Grifus to comple the first contract, and to complete and finish the second contract, if they thought proper. They have discovered, however, that there will be a lack of funds to finish the bridge and make the embankments (the latter are not yet under contract,) to the amount of \$1,060 73. That sum would complete the bridge in every particular, and make it one of the most permanent bridges in the State. It would consist of five stone pillarrs and two abutments twenty-five feet long, six feet thick and twelve feet high—sixty-five feet from centre to centre. The stone work, as you have seen, is complete; the long timbers laid on, the rest of the timbers framed, and the workmen raising the frame part of the bridge. These facts the Board of Directors wishes you to embody in your annual report to the legislature, and to ask an additional appropriation of \$1,060 73 to complete the above named bridge.

J. VIGUS, Treasurer.

WM. POLKE, Com. M. R.

L

Dear Sir—You will perceive by a copy of a resolution of the Board of Internal Improvement, herewith forwarded, that it has become my duty to make the survey, &c. of the Michigan Road, as contemplated by the act of the last session of the Legislature.

Will you be so good as to inform me of the amount of the Michigan road funds now on hand, and also, as early as practicable place them so that they may be available in carrying into effect the object of the resolution?

Will you also please state what prospect there is of realizing any thing from further selections of Michigan Road Lands, as it is necessary to know the amount at disposal, before any plan of improvement on the road can be settled upon

The resolution adopted by the Board, is as follows:

Resolved, That Daniel Yandes, as soon as the amount can be obtained by him from the Michigan Road Funds, cause a survey and estimate to be made on the Michigan Road north of Indianapolis, through Logansport, South Bend and Laporte, to Michigan City, with a view of ascertaining the kind of improvement most practicable on said road, and that he make his report to this Board at their next semi-annual session." Your early attention to this will confer a favor.

Very respectfully,

Your ob't servant,

D. YANDES,

Act'g. C. Cen. Canal.

W. POLKE, Com'r. of Michigan Road.

III

OFFICE OF COM'R. MICHIGAN ROAD, }
Chippewa, June 26, 1837. }

SIR—I am in the receipt of your letter of the 18th inst. propounding inquiries as to realizing any thing from the further selections of Michigan Road Lands, and the amount of Michigan Road Funds now on hand, and desiring me to place them so that they may be available in carrying into effect the object of the resolution of the Board of Internal Improvement, with regard to the contemplated survey of the Michigan Road.

In reply, I have the honor to state that the act, approved January 20th, 1837, authorizing the Commissioner of the Michigan Road to correspond with the Commissioner of the General Land Office, &c. &c. and the act supplemental thereto, renders it my duty to furnish from the funds referred to, the sum of five thousand dollars to the Commissioner of the Eel river bridge, and an equal sum on account of the White river bridge, on a compliance with certain specified conditions. I have been notified by the Commissioners of the Eel river bridge that the terms have been complied with, and that the bridge has been put under contract. They have made a demand for the money, a part of which has been paid, and I have accepted to pay the remainder. From an examination of the annexed statement of the condition of the Fund, you will discover that there is not sufficient on hand to satisfy the specific appropriations for the bridges. I have not as yet been apprized of the commencement of the White river bridge, and being anxious that the survey should be made the present season, so soon as I complete the examination and selection of the lands, which will be on the last of July or early in August, I will come to Indianapolis and confer with you. The balance on hand, after paying the appropriation for

the Eel river bridge and the contingent expenses, will probably amount to \$1,000. I will therefore place that amount under your control, hazarding that there will be enough obtained from the proceeds of the sale to cover the appropriation for the White river bridge. The remaining sum on hand, if any, will be applied towards the completion of the survey and estimates.

I am sir, very respectfully,
your ob't serv't,

W. POLKE, C. M. R. L.

HON. DANIEL YANDES,
Act'g. Com'r. C. Canal.

P. S. No doubts need be entertained as to the sales in Oct'r, next.

REPORT of the Amount of Michigan Road Funds.

1837

Dr.	Wm. Polke, Commissioner, in account with the State of Indiana.	Cr.
Amount on hand from sales of land on the 1st of January, 1837	\$5,018 19	Clerk hire as per vouchers 319, 326, 331, 335, 344, 349, included in keeping land office, assistance at land sales, copying report and vouchers \$129 50
Amount received from entries of Michigan Road Land of old selections, as per register of certificates 2032 to 2040 inclusive	1,376 52½	Assistance in selecting lands and crying land sale, as per voucher 329 25 00
By sales of lands selected during the present year and sold October 10, 1837, as per certificates No. 2041 to 2065 inclusive	9,056 70	Transporting books and papers from Chippewa to Indp's. as per vouchers No. 320, 323, 336, 337, 26 00
By sale of tools Michigan Road as per bills filed in Auditor's Office	100 29½	Printing advertisement for land sales as per voucher No. 322, 332, 333, 340, 341, 34 50
		Expenses in selling tools as per vouchers No. 324, 327, 328, 11 45
		Register at Laporte for maps No. 321 8 00
		Stationary 334, 351 10 00
		Refunded to John Wiggins who was overcharged certificate 2022 as per voucher No. 350 29 55
		Appropriation for Bridge Street and Michigan road bridge as per vouchers No. 338 and 339 5,000 00
		D. Yandes surveying road No. 325, 341, 342 1,900 00
		Auditor, Secretary and Treasurer's salary for the year 1837, as per vouchers No. 345, 346, 347 156 32
		Balance Comm'r's. salary for the year 1836, as per voucher No. 348 100 00
		<hr/> 7,430 32
	<hr/> \$15,557 71	<hr/> Balance on hand \$8,121 39

List of Michigan Road Lands remaining unsold.

Description.	Sec.	T.	R.	Ac's.	Rds.	Price fixed by law.	Amount.
Lot No. 2	13	30N.	2W	35		\$5-	175
N.½ S. E. fr.	11	33N.	6E.	71		5	355 \$530
N.½ N. E.	22	36N.	2E.	80	64	1 25	100 80
N.½ N. W.	34	'	"	"	"	"	100
S.½ S. W. fr. W. M. R.	34	'	"	143	52	"	179 40
E.½ N. E.½	23	29N.	6E.	80		"	100
" "	18	28N.	"	80		"	100
S.½ S. E. fr. E. M. R.	6	Ind. lands		50	74	"	63 42
N.½ S. W. W. M. R.	6	"	"	114	52	"	143 15
S.½	6	"	"	110	26	"	138 07

Mr. Colerick moved to reconsider the vote given in concurring with the resolution from the House of Representatives, relative to the revision of the laws.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of M., Casey, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dunn, Ewing, Little, Moffitt, Mount, Sigler, Smith, Stewart, Thompson of L., Watts of D., and Vawter—20.

Those who voted in the negative were,

Messrs. Bell, Bowen, Bradbury, Brady, Cathcart, Dobson, Dunning, Elliott, Finch, Green, Hackett, Hoagland, Kennedy, Mitchell, Moore, Morgan of D., Morgan of R., Puett, Stafford, Stanford, Turman, Thompson of P., Trask, Tuley, Walker, and Watt of U—26.

So said vote was not reconsidered.

On motion adjourned.

SATURDAY MORNING, DEC. 23, 1837.

Senate assembled.

On motion of Mr. Sigler,

Resolved, That when the Senate next adjourns, it will meet again, as provided for by a resolution of the two Houses on an adjournment.

On motion of Morgan,

The Senate adjourned.

THURSDAY MORNING, DEC. 28, 1837.

Senate assembled.

A call of the Senate being had and a quorum not being present,

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Vawter moved to re-consider the vote given on a resolution of the senator from Fountain, relative to appointing a select committee to examine into the conduct of the Branches of the State Bank of Indiana;

Which motion was negatived.

The President then announced the following gentlemen as the committee of said investigation:

Messrs. Bowen, Moore, Casey, Vawter, Tuley, Thompson of L., Watts of D., Colerick, Cole, Moffitt and Elliott.

Mr. Green moved to re-consider the vote given on the re-consideration of the vote adopting the resolution relative to a revision of the laws.

There being a doubt as to the parliamentary propriety of this motion; the vote having been previously taken and negatived, the chair postponed its decision until to-morrow, the Senate concurring therein.

A message from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that they have passed an engrossed bill No. 25, which originated in the Senate, entitled,

An act to incorporate the American Cannel Coal Company, without amendment.

The President laid before the Senate a communication from the Commissioner of the Michigan Road;

Which, on motion of Mr. Ewing, was laid upon the table.

Leave being granted, Mr. Ewing presented a joint resolution; which being read, was,

On motion of Mr. Ewing, the rules being dispensed with, read a second time.

Mr. Brady moved to fill the blank in the 3d line with the words "one month;" when,

On motion of Mr. Morgan of R., it was laid on the table.

On motion of Mr. Brady,

Resolved, That a select committee be appointed to wait on the Hon. Jeremiah Sullivan, and respectfully request him to furnish copies of the addresses delivered before the Education Convention on Tuesday last by the Rev. Dr. Wylie and Dr. Baldwin for publication, and that 2000 copies of the same be printed for public distribution.

MR. PRESIDENT—

The joint committee on enrolled bills now report, that they have compared the enrolled bills of the House of Representatives,

No. 7, entitled an act to amend an act entitled an act to appropriate the three per cent. fund in certain counties therein named, approved February 4, 1837; and,

No. 23, entitled an act for the relief of E. M. Jones;

And find them truly enrolled.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate, entitled,

No. 39—An act authorizing the sale of certain school lands therein named and for other purposes;

Also an engrossed bill of the House of Representatives,

No. 47—An act relating to the collection of the state and county revenue in the county of Lake;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the Senate, entitled,

No. 6—A joint memorial of the General Assembly of the State of Indiana in relation to the harbor at Michigan City;

No. 25—An act to incorporate the American Cannel Coal company;

Also an enrolled bill of the House of Representatives,

No. 32—An act to legalize the acts of the Fayette county Bridge Commissioners.

I am directed to bring them to the Senate for the signature of the President thereof.

The engrossed bill of the House No. 17, entitled an act relating to the collection of the state and county revenue in the county of Lake, being read, was ordered to a 2d reading to-morrow.

Bills No. 39 and No. 32, and the joint memorial No. 6 and bill No. 25, mentioned in the message, having been signed by the President, were handed to the committee on enrolled bills, to be presented to the Governor for his approval and signature.

Mr. Colerick offered the following resolution:

Resolved, That a select committee be appointed to inquire into the expediency of authorizing and directing the Secretary of State to make a record of all deeds which the state may make to the purchasers of the canal lands, with leave to report by bill or otherwise.

Mr. Cathcart moved to amend by inserting the Michigan road lands; Which was agreed to.

The question then being, shall the resolution be adopted? and the Senate decided in the affirmative.

Ordered, That Messrs. Colerick and Hackett be that committee.

Mr. Mitchell moved the following resolution:

Resolved, That the editors of the Indiana Democrat be brought to the bar of the Senate by order of the President, to answer for a libel upon members of this Senate.

And on motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Chambers introduced a bill, No. 80, entitled "A bill to prescribe the mode of electing commissioners of the board of Internal improvements."

Which being read, on motion, the rules were dispensed with, and the bill read a second time.

Mr. Kennedy moved to amend the bill, by striking out from the word "elected," all of the first section, and insert "by both Houses of the General Assembly, *viva voce*."

On motion of Mr. Dunning,

Referred to a select committee of Messrs. Dunning, Brady, Cathcart and Chambers.

Mr. Bowen presented a petition from Daniel Mace and others, praying a State road therein named; referred to the committee on roads.

Mr. Trask presented a petition from Isaac Carter and others, praying the enactment of a law for purposes therein mentioned; referred to the committee on education.

Mr. Tuley presented a petition from A. Clapp and Payton A. Key and others, relative to the Jeffersonville and Crawfordsville Rail Road, referred to the same select committee as was referred the documents heretofore presented to the Senate on that subject.

Mr. Bell presented a remonstrance from N. Berry and others, re-

monstrating against the annexation of the county of Madison to a new judicial circuit.

On motion of Mr. Bell, laid on the table.

Mr. Finch presented a petition from Robert Watts and others praying an act to incorporate an academy, &c.; referred to a select committee of Messrs. Finch, Ewing and Moffitt.

Leave being granted, Mr. Bowen from a select committee, now reports—

Mr. PRESIDENT—

The resolution of the Senate, appointing a committee to investigate the conduct of the State Bank and branches, have taken into consideration the propriety of carrying into effect the object of that resolution, and have directed me to report the following preamble and resolution, to wit:

Whereas, the committee believe it to be impossible for them, to do justice to the duties assigned them, without visiting each branch; and to do so would be out of their power at this session of the Legislature.

They at the same time, fully concur in the necessity of having a thorough investigation, into the conduct of the different branches of the State Bank; (not but what they have full confidence in the solvency of the bank, but for the purpose of correcting the evils of its administration, should any exist).

They also conceive it important, that it should be done in a proper and legitimate manner. The only mode of such an investigation is to be found in the 26th section of the charter, to wit: the General Assembly may at any time appoint an agent to examine into the state and condition of said bank, and each and every branch thereof, who shall have the same power and rights as examiners appointed by the directors of the State Bank," &c.

With these views, I am directed to report the following resolution, and ask to be discharged from the further consideration thereof:

Resolved, That the Senate and the House of Representatives, do appoint an agent to visit each branch of the State Bank of Indiana; whose duty it shall be to inquire into the state and condition of each branch thereof. The examination to extend to all the privileges granted to them by the charter. The amount of discounts made to citizens living in the towns where the branches are located, and each county composing the districts taken separately; also the liabilities of the officers of each branch from time to time; also whether any discounts, have been made to individuals, living out of the State, and all the particulars relating to such transactions.

The examination to commence on the _____ and to be continued until it is completed; and the agent is hereby required to report the result of his examination to the next General Assembly.

Mr. Clark moved commit the report to the committee on the State Bank; which was agreed to.

Mr. Kennedy moved to re-consider the vote on committing said re-

port to said committee of the bank; which was also agreed to.

Mr. Clark then withdrew his motion.

Mr. Kennedy then proposed to re-commit the report to the same select committee, with instructions to proceed with their investigation as far as practicable at this time.

Mr. Stanford moved to lay the report and amendment on the table; which was negatived.

On motion of Mr. Clark,

Mr. Stafford obtained leave of absence until Monday next.

On motion, Senate adjourned.

FRIDAY MORNING, DEC. 29, 1837.

Senate assembled.

The President announced to the Senate this morning, that in his opinion, it would not be in order to re-consider a vote given on the re-consideration of a resolution, which re-consideration had been previously negatived by the Senate.

And an appeal thereupon being made to the Senate, the decision of the chair was sustained.

Those who voted in the affirmative were,

Messrs. Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Crawford, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hoagland, Little, Mitchell, Morgan of R., Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of P., Trask, Tuley, Walker, Watts of D. and Watt of U.—28.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Beard, Casey, Clark, Daily, Hackett, Morgan of D., Smith, Stewart, and Vawter—10.

The president laid before the Senate a communication from the Treasurer of State, in relation to the State House; which was referred to the committee of ways and means.

The president also announced to the Senate the names of the following gentlemen, as composing the committee on the revision of the laws, on the part of the Senate:—Messrs. Mitchell, Thompson of P., Dunning, Baird of St. Joseph, Kennedy, Finch, Morgan of R., Thompson of L. and Smith.

Mr. Sigler moved that the secretary be directed to withhold from the House of Representatives the information of the passage of the resolution, on the subject of the revision of the laws, until otherwise directed by the Senate. The ayes and noes being called—

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Casey, Chambers, Clark, Crawford, Daily, Dunn, Ewing, Green, Morgan of D., Sigler, Smith, Stewart, Watts of D., and Vawter—16.

Those who voted in the negative were,

Messrs. Bell, Bowen, Bradbury, Brady, Cathcart, Dunning, Elliott, Finch, Hacket, Hoagland, Little, Mitchell, Morgan of R., Stafford, Stanford, Turman, Thompson of J., Thompson of P., Trask Tuley, Walker and Watt of U.—22.

So said motion was negatived.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The president laid before the Senate a communication from the board of internal improvements.

On motion of Mr. Ewing,

Laid on the table, and 500 copies ordered to be printed.

Office State Board of Improvement,
Indianapolis, December 28, 1837. }

HON. DAVID HILLIS,

President of the Senate:

Herewith is transmitted, for the information of the General Assembly, a report and survey of the Michigan Road, north of Indianapolis, made by Julius W. Adams, Civil Engineer, in pursuance of the requirements of the act of 2nd Feb. 1837.

Very respectfully, &c.

D. H. MAXWELL,

President of the Board.

INDIANAPOLIS, December 20, 1837.

*To the Board of Internal Improvement,
of the State of Indiana:*

The survey of the Michigan Road ordered at the last session of the Legislature of this State has been made in conformity with instructions received from D. Yandes, Esq. Commissioner.

The estimates and plan for the improvement of the road are herewith submitted. The limited time allowed for the completion of the

estimates, will prevent submitting at this time the maps and and profiles, they are now in progress and will be finished at an early day.

Before proceeding to the estimates, a few remarks on the details of the survey, the features of the country passed through, and the several plans of improvement suggested, will be made.

The examinations were commenced at the forks of the road, a short distance from the crossing of the Michigan road by the Central canal, about half a mile north of the capital. The act providing for the survey authorizes no deviation from the road as already opened. The points where a slight deviation would improve the road and diminish the expense of repair without adding materially to the distance, will be noted on the map.

At Logansport the road strikes the Wabash river below its junction with Eel river, where the road terminates on the south bank of the Wabash--the next point where it appears, is nearly a mile east of this on the north bank of Eel, no location of the road having been made through the town. The bridges now constructing at either termination of Bridge-street in Logansport, (the one over the Wabash, the other over Eel river,) would warrant other circumstances remaining the same, the passage of the road by these points, in which case the present location of the road on the south bank of the Wabash would be, as it now is, very awkward. The improvements in the vicinity of the road at this place are not of a character to confine its termination here. By deflecting from its present location, or rather by continuing the course it has at or near the bluff before entering the bottom, it strikes the bridge now constructing over the Wabash, and reduces the distance a little more than one-fourth of a mile in less than two miles; a sufficient improvement to justify the change.

The act of the Legislature above referred to, runs thus: "The survey of the Michigan road passing through Logansport, South Bend and Laporte to Michigan City." In the absence of specific instructions on this head, I confined my examinations to the Michigan road, which leaves one of these points, (Laporte,) some six miles to the south. The survey terminated in Michigan City at the intersection of the Michigan road with Michigan and Spring-streets; no estimate being made for the improvement of that portion of the road lying within the limits of the city.

The face of the country between this and Logansport, is in common with this section of the State, flat; the soil a rich clayey loam. In the immediate vicinity of the streams the country is more rolling, and the soil in some instances a little more sandy. The flat loam is heavily timbered for the most part, some small patches of open swamp occurring at intervals. After crossing the Wabash, an immediate change takes place in the character of the country; the soil is more sandy, clay appearing on the surface only at intervals, and the country instead of presenting one uniform flat, exhibits a succession of rolling dry "oak barrens," sand hills, and open wet and dry prairies.

From Logansport to South Bend, the sand and gravel being mostly of a limestone formation, may be converted into a good road with little labor; draining readily and at the same time sufficiently firm on the surface; between these two points (with the exception of the wet prairies) a natural road is found.

From South Bend to Michigan City with the exception of Rolling and Terre Coupe prairies, the soil on the surface is quite sandy, but unlike that between South Bend and Logansport does not become firm. The country is very much broken by said hills, and is in consequence readily drained, but the sand, particularly in the vicinity of Michigan City, is fine and makes a heavy road.

No indications of stone were met with except at Logansport. The beds of the principal streams crossed were gravel, and occasionally, particularly at Wild Cat and Big Eagle creeks, rolled masses or boulders of stone appeared, and these boulders are frequently excavated from the banks of the stream and elsewhere, but they nowhere appear in sufficient quantities to be relied upon as material for a road. Gravel or stone from White river, gravel from Wild Cat and Eagle, and stone from Logansport, are the only materials upon which we can rely for a road covering between Indianapolis and Logansport. North of Logansport gravel can be found in many places though small, with the exception of that found in the bed of the St. Joseph river. It is scarcely needed however here, as the natural soil by proper ditching forms a good road, which stone to be sure would improve, but gravel would not.

The country in the immediate vicinity of the road, thus divides itself into two natural divisions, which divisions will be followed in the estimates. The first division from Indianapolis to Logansport, flat and clayey, the second from Logansport to Michigan City, rolling and sandy.

In the 1st Division, after rising in a distance of 23 miles from Indianapolis 250 feet, (the levels referring to the base of the State House) falls the same height to a distance of 44 miles; this is on the bluff before entering the Wabash bottom; from this point it falls to the bank of the river at the bridge 95 feet.—Mean ascent per mile, from Indianapolis to the summit at the "Half-mile prairie" ($7\frac{1}{2}$ miles south of Kirk's) 10.8 feet; mean descent per mile from summit to south bank of the Wabash, 5.4 feet.

In the second Division, the ground rises from the bank of Eel river, in a distance of 27 miles, 290 feet; making the summit between Logansport and South Bend, 2 miles north of Tippecanoe river, 201 feet above the base at Indianapolis. From this summit it falls to the South Bend, a distance of 39 miles, 200 feet; making the main street of South Bend about a foot higher than the base of the State House.—mean ascent per mile from the bank of Eel river to this summit, 10.6 feet—mean descent, per mile, 5.1 feet. From South Bend the ground rises in 16.3 miles, 130 feet, and falls in the remaining distance to Lake Michigan 18.3 miles, 140 feet—mean ascent per mile to this summit, 8 feet—mean descent per mile 7.6 feet; making the ordinary level of

Lake Michigan 139 feet below base of the Capitol in Indianapolis—total distance surveyed, 171.75 miles.

The first essential requisite in a good road, is a thorough drainage of the subsoil; without which no road can remain good, however well metaled and apparently firm it may be on the surface. This condition is obtained by a proper system of ditching, the bottom of the ditch being far enough below the natural surface of the ground to insure the drainage from the subsoil of the road into the ditch.

The next point in importance is to prevent the surface water from remaining on the road or draining *through* it. This is obtained by such a form being given to the cross profile of the road as to throw all the water falling on the road into the ditch; which precaution, if the soil is clayey, will be sufficient; if sandy the surface is protected by some covering which seems also to reduce the amount of resistance offered to the passage of vehicles.

On the first Division, the country, as before mentioned, being flat and the soil clayey or spungy, the main difficulty is to secure a dry foundation; if the subsoil is properly drained, the nature of the soil will preserve the surface dry if a reasonable attention be paid to the convexity of the surface.

The ditches originally opened were much too small every way, The ruts made by the wagon wheels need not be very deep to penetrate below the level of the bottom of the ditch; the consequences were, that the farther a wheel penetrated the more yielding was the material it encountered. The breach thus made was repaired by throwing on leaves (in some instances) decayed wood, and brush, with some of the *top soil* from the ditch above it, but the water was left standing underneath by reason of the shallowness of the ditch; it could not drain off, and it could not be absorbed by the substratum of clay, then it remained to assist in the formation of new ruts, and on the yielding of the material thrown over it, which probably took place in a short time, the road was in a far worse state than before the repair,

The estimates on this Division provide for the following improvement:

When the subsoil is firm, or of a sandy nature, and in situations where from the slope of the ground the ditches can readily be drained into the water courses, the ditches have been estimated at a width of 8 feet, and at least 3 feet in depth below the natural surface. In the above mentioned situations, and on all embankments in height 3 feet and over, a width of 30 feet has been allowed, with a transverse slope from the centre each way of 1 foot in 15. A depth at the centre of at least 1½ feet is considered necessary.

When the surface is wet and spongy, which constitutes a large portion of this division, a grillage of timber roughly hewn on the upper and lower sides to a thickness of about a foot, and from 18 to 20 feet in length is to be laid level transversely of the road on the natural surface, and of a uniform grade. The ditches are to be opened on each side to a width of 10 feet, and at least 3 feet below the natural surface upon which the timber rests, the distance between the ditches 24 feet; the

material from the ditch (with the exception of the top soil when of vegetable matter) to be disposed over the grillage burying it completely to a depth at the centre of 1½ feet, and at the ends 1 foot; the timber to be of oak seasoned before being laid, and the material when thrown on the grillage to be well settled.

It has been suggested by an engineer of experience in this state, with a view partly to economy as well as to insure a better road when newly made, and the material in a green state, to cover the timber only to a depth of a few inches merely filling the crevices between the timbers, and reducing also the size of the ditch: another object in this plan was to allow the wheels when the road was in a bad condition to come upon the solid foundation. If no material but the top soil could be procured for covering, this plan might be the best, at all events the cheapest as to the first cost, but as clay or sand, or a mixture can always be found, and as preserving the timber from the wear of the wheels and the weather will be an object, it can only be secured by covering them completely. Another objection to this plan is, that if so thin a covering is laid on the timber, the road surface must necessarily be very flat; very little transverse slope can be given to it, and the consequence will be that the water which falls upon the road must either drain between the timbers, or remain on the road; either result being equally injurious. The road will always be rough from the unequal wear of the timbers, and these latter will require frequent adjustment and renewal.

It is believed wherever this grillage is necessary, the ditches should not be under 10 feet in width at the surface; and if the material excavated from the ditch be clay, a mixture of clay and sand, (and at a depth of 3 feet it is pretty sure of being one or the other) the grillage should be completely buried by it; by which means the timber is preserved, the road surface is cut off from the effects of standing water below the timber, and such a slope can be given to the road surface as always to prevent water from standing on it. By using the precautions of seasoning the timber and well settling the material thrown on, as well as continuing whatever repairs may become necessary on the same plan, it is believed in the course of a few years the clay or loam will have become consolidated over the grillage, and a dry road surface will be obtained. It has been noticed that whenever the clay appears on the surface and is properly drained, the road is firm and dry, even after severe rains.

Roads on a somewhat similar plan have been constructed over marshes in some parts of the United States, and have been found to answer every purpose of a dry road.

It is the practice frequently over marshes instead of timber to use brush laid to the depth of 12 or 18 inches. Good roads have been constructed on this plan, and it is cheaper than the timber, but for this road would scarcely be as durable.

On the second division from Logansport to Michigan City, a great portion of the road will require merely ditching. Over the swamps and wet prairies, the same plan as that suggested for the 1st division

will be necessary, viz: grillage of timber. But in some situations, the difficulty instead of being as on the 1st division to drain the road, consists in the want of solidity to the surface, the sand in these situations being fine. The use of stone here being out of the question from its scarcity; the only material left at our disposal, is wood. The following plan is believed to combine the requisites of durability and economy in as great degree as the material used is susceptible of: when I say economy, I do not mean in the construction, or first cost, but in the subsequent outlays.

When wood is subjected to the wear as well as to the pressure of heavy bodies passing over it, the best direction for the wood to receive this pressure is parallel to the direction of the fibre. In order to effect this, the wood after being well seasoned, is reduced to blocks of about nine inches in length and six in diameter; the section being of such form as to allow of a close contact when laid, as possible; it may be either square or hexagonal, the latter is preferable as a better bond is obtained among the blocks, and the greater the number of sides in the block, the nearer it approaches its natural form of a cylinder, and the fibre is less injured by the saw.

The road bed is formed of sand or gravel as compact as possible, with a slight and uniform convexity. A curbing of heavy timber squared the depth of the blocks is firmly secured on each side of the contemplated paving by short piles and occasional ties; the blocks are compactly arranged within this curbing; and settled firm on their beds by a light maul; by being all sawn in the same machine, and consequently of the same size in every way, their upper surfaces will have the same convexity when laid, as is given to the road bed, and their angles being equal, will allow of very close contact; when finished, a layer of sand is laid over the surface, and the curbing is besides completely buried, giving a additional strength and durability to it, and forming a regular slope from the centre each way of about 1 in 20. In laying this paving, care is necessary in laying the curbing as well as blocks, to insure a perfect compactness, the curbing must be so secure as to prevent the slightest lateral yielding. The layer of sand by the pressure of the vehicles passing it, becomes, as it were, part of the wood itself, the interstices are completely filled, forming a hard and uniform surface, and the road is preserved dry.

The wear and tear of this road will be much less than one of stone, its elasticity giving it a decided advantage over the latter species of road.

These roads have long been in use in Russia, and they have within a few years been tried on a small scale in some parts of our own country, and the experiment thus far has been very satisfactory.

In Buffalo N. Y. where stone abounds, they are now, I am informed, constructing this kind of road in preference.

As to the kind of wood to be made use of, no better timber can be desired than the oak found in abundance in the vicinity of the road.

Of the advantages of this species of road in this country over the McAdamized, it is needless to enlarge, as wherever this kind of cover-

ing is rendered necessary by the nature of the soil, stone can scarcely be found within a day's journey.

GRADE.—The grade frequently taken as the maximum for a turnpike is three degrees. The estimates on this road have been made for a grade of two degrees. There are points exhibiting in the present state of the road over 4 degrees of ascent; these however are few in number and of small extent.

Over this road when in its best state and at the most favorable season of the year 4,500 lbs, is called a great load for six horses, as I am informed by experienced wagoners on the road. On a good McAdamized road, the traction of a ton, or the weight necessary to draw a ton on a level, is about 80 lbs. (on the Holyhead road in England it is but 76 lbs.—on a good rail road, from 8 to 10.) Taking the power of a horse as 140 lbs., moving at the rate of 2 miles per hour, or 112 lbs. at the rate of 2½ miles per hour (which by many engineers has been considered his speed when his useful effect is the greatest), and on a level McAdamized road in good order, six horses could draw 18,000 lbs.—allowing the traction of a ton on this road when improved and in its best state to be 112 lbs., and we have for the load of six horses 13,440 lbs., three times what it now is.

Taking this as the load on a level for six horses, and we find the maximum load for this power upon a three degree ascent to be 6,565 lbs., not quite half the load on a level.

If the road is graded to this ascent, this load of course will be the maximum limit for six horses, viz: not quite half the effect of the same power on a level.

Upon an ascent of two degrees the same power may draw 7,607 lbs., making a difference in favor of the latter grade of 1,042 lbs. for every six horse wagon.

Supposing 9,000 tons (which may be a large estimate now) to be transported over the road annually, of course the less the number of horses and wagons employed in the transportation, the less the injury done to the road, by grading at two degrees instead of three, the number of wagons may be reduced in the ratio of 3 to 2.25. The difference in cost between grading at two and at three degrees may be stated at \$23,148—2 degrees accordingly has been assumed as the proper grade.

A few remarks here, will not be amiss, as regards the travel on the road, and the means for keeping it in repair when properly constructed. The distance now travelled in a day by a six horse wagon and load (taking the road at its average state) does not average 12 miles. Allowing this as the distance travelled daily, and it will require 14 days to make the trip from Indianapolis to Michigun City; taking the daily expense of a horse at 30 cents, and we find the cost to the wagoner for horse feed to be \$25 20 in transporting 4,500 lbs. from this to Michigan City.

The road when improved will allow him with the same power to take more loading in 8 days, thereby saving in horse feed alone \$10 80, to say nothing of his own expenses, time, or the wear and tear of his wagon; the saving in horse feed he would willingly relinquish to secure

to himself the other advantages. Supposing his wagon and load were 3 tons, this saving in horse feed if paid as toll, would amount to 2 cents per ton per mile. As the road improves and the travel increases, which it must over this great thoroughfare of the State, it will in a short time amount to the estimate above, viz: 9,000 tons yearly; which if the toll is levied on the weight at the above rate, will give \$160 per mile, or \$27,260 per annum. The wagoners on the road would cheerfully pay this toll if the road was so improved that they could calculate on making 20 miles per day. Those directly interested in the state of the road would, we may safely say, in every case, prefer paying a small toll at the rates, to a larger one to the grain merchant and wheelwright.

Estimate for Road Bed.

The width of the road to be 30 feet on high embankments, through cuts 25 feet and over marshes 24 feet, the drains and culverts in every instance to be made of heavy timber in a durable manner the width of the road way; the piers and abutments of the bridges with one exception (at White river) to be of wood.

FIRST DIVISION.

On this division, one man can excavate and throw from the ditch no more than 12 cubic yards per day; it will require two men to lay the material thrown by five; therefore every 60 yards thrown on the road from the ditch will cost the labor of seven men, which at \$1 per day, each, will give as the cost of a cubic yard, 11½ cents.

When the grading is made by removing earth from the hills, (the level on a descent) one man can wheel to a distance of 200 feet and return with the empty barrow, while a barrow is being filled; therefore every yard raised and carried 400 feet will cost the labor of three men, which on the same terms as above, give as the cost of a cubic yard measured in the embankment, 25 cents.

The contract prices on the Central canal for oak timber, similar to that needed on this road, is about 10 cents per foot; an estimate has been made, however, as follows:

It has been assumed that three cents per foot will purchase the timber as it stands; it cannot, except in particular localities, be worth more than that to the land owner. One man can score and hew of oak timber, 50 running feet one foot square, or its equivalent 200 superficial feet per day; to cut, score, and hew 600 feet or 300 running feet on two sides, will require the labor of four men, (allowing one man to cut and assist), which at \$1 50 per day each, gives as the cost of hewing a running foot of the description required 2 cents, or 5 cents for the timber when hewn; supposing the average haul half a mile which it need not exceed, and the cost of the timber delivered on the road, is 6 cents; the cost per running foot when laid on the road may be taken at 6½ cents.

ESTIMATE.

This Division is divided into 16 Sections of 23,000 feet each.

Section.	Grading of hills. cu. yds.	Runn'g ft. Bridging.	Culverts.	Running ft., double ditching.	Running ft. grillage covered.	Clearing & grub'ing	Amount.	Aggregate.
							Dolls. cts	
1	5,030			15,000		\$300	2,957 50	
2	25,400	40	3	15,000			8,763	
3	9,010		4	17,000			4,409 25	
4	4,690	100	9	13,000			4,021 75	
5	10,680	190	8	15,000			7,754 25	
6		50	3		23,000		24,011 50	
7	830		4		23,000		23,739 50	
8	1,150	120	4		23,000		25,020	
9		60	4	1,000	17,000		18,793 50	
10	4,970	180	6	6,000	10,000		14,136	
11	1,150	200	3	10,000	9,000		12,608	
12	15,750	160	6	2,000	12,000		18,164	
13	4,600	100	4	6,000	16,000		19,274	
14	5,600	200	3	4,000	13,000		19,607	
15		450			23,000		26,598	
16	7,540		4	7,000	14,000		17,159 25	\$247,016 50

In the crossing of White river and the Central canal, in order to allow the grade being reduced to two degrees without interfering with the canal, as well as prevent difficulty in the crossing of the canal so near the river bridge, a deflection of the road to the west at or near the top of the bluff would perhaps avoid these difficulties, and reduce the expense of crossing the river by reducing the necessary height of the bridge.

In the above table no estimate is made for the White river bridge. In case this change is made, the Bridge may be estimated:

Rubble masonry for 1 pier and abutments	\$4,000
240 running feet Bridging a \$20	4,800
7000 yards earth moved a 25 cents,	1,750
	<hr/>
	\$10,550
	<hr/>

This added to the above, gives as the total cost of road formation from Indianapolis to Logansport, 69.79 miles \$257,566 50
Contingencies, 10 per cent. 25,756 60

\$283,323 10

Average cost per mile for road bed

\$4,059 00

SECOND DIVISION.

This is divided into 1 section of 9000 feet in length, and 23 sections of 23,000 feet. On this division the labor of a man may be taken as 15 cub. yds. raised per day, under the same circumstances as on the 1st division; which will make the cost per cub. yard thrown from the ditch 10.7 cents; and every cub. yard raised and hauled 400 feet will cost 20 cents.

Section.	Grading hills, cub. yards.	Runn'g ft. Bridging.	Culverts.	Runn'g ft., double ditching.	Runn'g ft. grillage covered.	Amount.		Aggregate.
						Dolls.	cts	
1	21,060	80	4			5,096		
2	8,610		5	8,500	1,200	4,145		
3			3	17,900	2,100	4,464	80	
4			3	17,300	5,700	8,227	10	
5		30	2	21,900	400	3,377	10	
6			3	18,000		2,201	40	
7	20,530		2	7,000		7,001		
8	8,470	200	2	12,000	800	4,038	80	
9	380			2,200		2,689	60	
10	13,060		3	6,000	900	4,384	40	
11	3,290		5	7,000	2,100	5,602	90	
12	4,300	170	2	9,000	3,400	5,655	10	
13	3,060		3	14,000	500	2,890	90	
14	2,650		3	17,000		2,623	60	
15	800		1	20,000	} 2500	2,536		
16	14,560	100	5	9,000		6,806	10	
17	1,310		3	20,000		5,523		
18	22,168		8	8,000	700 ft.	5,552		
19		100		23,000	caus-	3,732	40	
20	17,218		3	14,000	way.	5,198	80	
21	6,290		5	14,000		3,026	20	
22	69,653	60	8	4,000		15,217	80	
23	6,960	120	5	9,000		3,717	20	
24	5,341	60	4	10,000		2,951		\$116,658 20

Estimated cost of road formation from Logansport to Michigan City, 101.09 miles,	\$116,658 20
Contingencies, 10 per cent.	11,665 80
	<hr/>
	\$128,324 00
	<hr/>
Average cost per mile for road bed	\$1,276 00
	<hr/>

RECAPITULATION.

First Division	283,322 50
Second Division	128,324 00
	<hr/>
	\$411,646 50
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Average cost per mile from Indianapolis to Michigan City	\$2,409 00
	<hr/>

The above it is believed will cover the cost of constructing a good road bed from Indianapolis to Michigan City.

The covering, whether of wood or stone, will form a separate estimate.

Merely repairing the present road as such repairs have usually been conducted, will be funds thrown away. In case however the funds appropriated to this purpose will not construct the road, the repairs, if conducted on a proper and uniform plan will, besides greatly improving the present road, test the value of the plan and serve as data for calculation in the event of a final and thorough re-construction of the entire road, which no one can doubt will ultimately be made. If instead of a thorough, a partial repair be all that is undertaken at present, then, in order to effect the greatest amount of good with small means, the items in the above estimate which may be suppressed or reduced are these: First, the grading of the hills could be omitted, as where the grading is necessary a dry road is already found. The bridges will as they now are last with occasional repairs for some years to come, and when reconstructed can be made on a proper plan; and some portions of the road when ditching has been estimated as necessary, may be neglected without leaving the road altogether impassible.

It will be found far better in the end, rather to leave some portion of the road (and portions needing repair) untouched, than endeavor to repair them with inadequate means.

The system of patching, hitherto carried on on this road, will be found in the event of a proper system of repair being undertaken, to have thrown great impediments in the way of making a good road.

By throwing out of the estimate the cost of grading and renewing the bridge, it will stand thus:

On the first division, cost of road bed 10 per cent.	\$193,045 19,304
Total	\$212,349
Average per mile to Logansport	\$3,042
On second division, cost of road bed 10 per cent.	\$53,645 5,364
Total	\$59,009
Average per mile from Logansport to Michigan City	\$584

RECAPITULATION.

First division	\$212,349
Second division	59,009
	\$271,358
Average per mile from Indianapolis to Michigan City	\$1,595

Those portions of the road demanding immediate attention, are the following:

On First Division, Sections 6, 7, 8, 13, 14, 15, 16; altogether 30.4 miles	\$155,408 00
On Second Division, Sections 2, 3, 4, 19, 20, 21, altogether 26.13 miles—as per estimate of table	28,792 00
	184,200 00
Contingencies 10 per cent.	18,420 00
	\$202,620 00
Average per mile for 56.53 miles	3,586 00

The above sections are the worst portions of the road, although at intervals on the whole line, small patches are met with as bad as the worst of these; for this reason in this latter estimate no deduction has been made from the estimate of the several sections taken from the table on account of grading and bridging, as the estimate for these items (in the above mentioned sections,) could be advantageously appropriated to repairing their breaks throughout the line. An estimate for road covering is annexed:

The following estimate will show the cost of covering the road with stone or gravel. For a distance of ten miles south from Logansport (which is midway to Wildcat creek,) the stone for covering must be brought from Logansport; the next ten miles, gravel from Wildcat can be used. No material worth estimating can be found between this and White river: from Wildcat south we may estimate; the material for five miles bould. From Logansport south 15 miles—from White river to Indianapolis and from the river north, making in all 35 miles, is all the road on this division I would venture estimating the cost of McAdamizing. As before remarked it is unnecessary to estimate stone covering for the second Division.

Commencing at Logansport, a horse cannot draw on this road, one day with another, more than 800 pounds *useful weight*, at the rate of 2½ miles per hour for 8 hours. The stone used at Logansport will weigh about 4,200 lbs. to the perch of 25 cubic feet, requiring the power of five horses to haul—allowing the hire of a two-horse wagon and driver to be three dollars per day, and it will cost for every perch of stone hauled ten miles, seven dollars and fifty cents, allowing twenty feet in width for the metaled portion of the road, and six inches only in depth, and every two and a half running feet of road will require a perch of stone—allowing one hundred and fifty dollars for other items, such as breaking, spreading, quarry-right &c. and every perch of stone laid on the 10th mile will cost nine dollars.

Cost of McAdamizing the 10th mile from Logansport			\$18,908
9th	"	"	18,908
8th	"	"	18,908
7th	"	"	12,088
6th	"	"	12,088
5th	"	"	12,088
4th	"	"	8,008
3d	"	"	7,117
2d	"	"	6,336
1st	"	"	4,752
			<hr/>
			\$119,201

Average per mile \$11,920.

The difference in cost between covering with stone and gravel will be the charge for quarrywright and breaking—the spreading also will be a smaller charge; taking this at \$1 00 per perch, the ten miles north of Wildcat will cost					\$95,824
The five miles south	-	-	-	-	27,182
					<hr/>

123,006

Average per mile \$8,200.

By using gravel from White river, the road between Indianapolis and White river will cost					28,113
Six miles north of White river	-	-	-	-	52,289
					<hr/>
					\$80,402

RECAPITULATION.

Cost of McAdamizing 10 miles	-	-	-	119,201
Cost of gravelling 25 miles	-	-	-	203,408
				<hr/>
				322,609
Average cost of road covering per mile 354 miles \$9,152.				

COST OF WOOD PAVING.

As regards the material for wood paving not having with me any data from which to judge of the cost of preparing the blocks of a hexagonal form, they have accordingly been estimated as square. The timber six inches square, which is to be divided into blocks nine inches long, will cost 4 cents a running foot. A horse machine tended by a boy can saw 1500 of these blocks in a day; cost per day of working the machine \$2 00; cost of a block when sawn, 3.133 cents; one man can lay from five to six hundred of these blocks in a day—his wages one dollar, gives 3.29 cents as cost per block when laid.

On a mile of road with a width of 16 feet for the paving and 2 for curbing, there are 337,920 blocks,

Which at 3.29 cents each, gives	-	-	-	\$11,107
Curbing,	-	-	-	1,100

Cost per mile of wood paving .	-	-	-	<hr/> \$12,207
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It was deemed proper to insert the above estimates for McAdamizing and wood paving, without adding them to the cost of road formation, under the impression that neither plan was at *present* necessary or feasible. The wants of the country require a *dry road*; the plan suggested on a former page, and upon which the estimates are based, will, it is conceived, furnish what is desired, a *dry and durable road*.

In conclusion, allow me to express my satisfaction at the manner in which the young gentlemen with me, have discharged their several duties; the rapidity with which the survey has been executed bears evidence of their industry.

The above is respectfully submitted,

JULIUS W. ADAMS.

On motion of Mr. Mitchell,

The resolution pending last evening relative to summoning the editors of the Democrat to the bar of the Senate, to answer to a libel on members of this body, was taken up from the table and withdrawn, and the following preamble and resolution offered in lieu thereof:

Whereas, mis-statements of the speeches delivered on the floor of this Senate have been published in the "Indiana Democrat" of the 26th Dec. 1837, a paper accredited by this Senate as a Legislative journal, and subscribed for, and paid by order of this Senate; and whereas, it is repugnant to the dignity of this Senate, as a body, and disrespectful to the individual members of it, for a journal, *endorsed as*

true by this Senate, thus to misrepresent their speeches, and vilify their character. Therefore, be it

Resolved, That hereafter the editorsof the "Indiana Democrat" shall publish facts of and concerning the speeches of the members of this Senate, or cease to send in their papers, and leave this chamber as reporters: which on motion was laid on the table.

The following communication was received from the governor, by Mr. Maguire, his private secretary:

Mr. PRESIDENT—

The governor has approved and signed an act, entitled,
An act to incorporate the American Cannel Coal Company.

A joint memorial of the General Assembly of the State of Indiana, in relation to the harbor of Michigan City, and

An act to legalize the acts of the Fayette County Bridge Commissioners.

The two former of which originated in the Senate, and the latter in the House of Representatives.

Mr. Ewing, from the joint committee on enrolled bills, reports,

Mr. PRESIDENT—

The joint committee on enrolled bills, report, that they did this day present to his Excellency the Governor, for his approval and signature, bills of the following titles, to wit:

No. 25—an act to incorporate the American Cannel Coal Company.

No. 32—an act to legalize the acts of the Fayette County Bridge Commissioners.—Also,

No. 6—A joint memorial of the General Assembly of the State of Indiana, in relation to the harbor at Michigan City.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk.

Mr. PRESIDENT—

I am instructed to inform the Senate that the House has adopted the following resolution, to wit:

Resolved, That there be a committee of three appointed on the part of this House, to act with a similar committee on the part of the Senate, whose duty it shall be to examine the archives of this State for the last five years, with power to send for persons and papers. And that the Senate be informed of the adoption of this resolution, and a similar one on their part requested.

Messrs. Thompson of Allen, Lane and Dowling are appointed that committee on the part of the House.

On motion of Mr. Colerick,

The words, "the last five years," were stricken out, and the words "until the year 1828," inserted in lieu thereof.

The Senate then concurred in the resolution as amended.

Ordered, That the secretary inform the House of Representatives thereof.

Ordered, That the committee on the part of the State be Messrs. Bell, Stewart and Cathcart.

Mr. Thompson of P., offered the following resolution:

Resolved, By the Senate, (the House of Representatives concurring therein,) that this Legislature will adjourn on Saturday the 30th inst. to meet again on Monday the 22nd day of January next, for the purpose of affording to the joint committee of this General Assembly, appointed to revise the statutes of this State ample time to discharge all the duties assigned them, and make report thereof; and that no member of either branch of the Legislature shall be entitled to his per diem wages during the recess, except the members of said joint committee; the members respectively being entitled to their mileage in travelling to their respective counties, and in returning to meet in session again on the 22nd Jan. next.

Mr. Beard of M. moved to strike out all after the words "30th inst." and insert "sine die."

A motion to adjourn being made, the ayes and noes were called.

Those who voted in the affirmative were,

Messrs. Beard of M., Bell, Bowen, Bradbury, Casey, Chambers, Colerick, Crawford, Dunn, Hacket, Little, Mitchell, Morgan of D., Stanford, Turman, Thompson of J., Tuley, Walker, Watt of U. and Vawter—20.

Those who voted in the negative were,

Messrs. Baird of St. Jos., Brady, Cathcart, Clark, Daily, Dunning Elliott, Ewing, Finch, Hoagland, Kennedy, Morgan of R., Sigler, Smith, Stewart, Thompson of P., Trask and Watts of D.—18.

So the Senate adjourned.

SATURDAY MORNING, DEC. 30th, 1837.

Senate assembled.

Mr. Stanford from the committee on Enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bill of the Senate No. 39, entitled an act authorizing the sale of certain school lands therein named, and for other purposes and find the same truly enrolled.

Mr. Ewing presented a petition from John Rider and others, praying the location of a State road leading from Straw Town to Rochester, via. Louisburgh—referred to the committee on roads.

Mr. Cathcart presented a petition from Jesse Morgan and others, praying a law authorizing the petitioners to construct a Turnpike road from the State road between Bailey Town and the mouth of Salt creek to the State line in the direction of the town of Chicago, Illinois—referred to the committee on Corporations.

Mr. Kennedy presented a petition from John J. Williams and others, praying the location of a State road, from Cambridge City in Wayne county, to Huntington on the Wabash and Erie Canal.

Which was referred to a select committee of Messrs. Kennedy, Stanford, and Bradbury.

Mr. Trask presented a petition from J. N. Harlan and others, praying the location of the State road from Huntington, Huntington county, to Cambridge City.

Which was referred to the same select committee, with the addition of Mr. Grant.

Mr. Finch presented a petition from S. L. Stewart, praying a law abolishing imprisonment for debt.

Which was referred to the Judiciary Committee.

Mr. Watts of D. presented a petition from Thomas Ewbank and others, praying a repeal of a certain act therein named.

Which was laid on the table.

Mr. Vawter presented a petition from Elizabeth Simming, praying a divorce, which was referred to a select committee composed of Messrs. Vawter, Sigler, and Kennedy.

Mr. Finch presented a petition from Mary Ann Ogden, praying a divorce, which was referred to the same select committee with the addition of the Senator from Carroll.

Leave being granted,

On motion of Mr. Ewing the communication from the State Board of Public Works on the Michigan Road, was taken from the table, and referred to a select committee composed of Messrs. Ewing, Walker, Baird, Finch, and Smith.

Mr. Beard from the committee on Roads reports:

MR. PRESIDENT—

The committee on roads to whom was referred the petition of H. Lassell and others, praying for a State road from Logansport to Noblesville, have had that subject under their consideration, and directed me to report the following bill:

A bill No. 45, entitled "a bill to establish a State road therein named," which being read, was on motion of Mr. Ewing, the rules being suspended, read a 2d time now.

Ordered, That it pass to a 3d reading on Monday.

The resolution pending last evening relative to "adjourning from the 30th instant to 22d day of January next," was taken up.

Mr. Beard moved to amend by striking out all after the words 30th instant and insert "Sine die"—which was not agreed to.

And on motion the resolution was laid on the table,

On motion of Mr. Elliott.

Resolved, That the Board of Internal Improvement be requested to lay before the Senate a report, how far north of the National Road it is practicable to extend the White Water Canal.

On motion of Mr. Little,

Resolved, That a select committee be appointed to inquire into the expediency of memorializing Congress on the subject of adopting a more efficient mode of working and effecting a speedy completion of the Cumberland Road, in the State of Indiana.

And Messrs. Little, Elliot, Stanford, Bell, Brady, Sigler, and Moffitt were appointed that committee.

On motion of Mr. Morgan of D.,

Resolved, That the committee on Education be instructed to inquire into the expediency of so amending an act entitled an act to provide for distributing the Surplus Revenue, so that agents in each county shall loan to each township in proportion to the number of polls in each, with leave to report by bill or otherwise.

On motion of Mr. Clark,

Resolved, That fifty copies of the report of the Board of Internal Improvement ordered to be printed for the use of the Senate, be set apart for the use of said board.

On motion of Mr. Tuley,

Resolved, That the committee on Education be requested to inquire into the expediency of amending the 5th section of the 8th chapter of an act, incorporating Congressional townships and providing for public Schools therein, approved Feb. 6th, 1837, so as to authorize the School Commissioner to sell any unsold land, when it shall be certified that a majority of the voters present at any township election, shall have voted in favor of such sale of school lands, and that said committee be requested to inquire into the expediency of repealing the 9th chapter of the aforesaid act.

Mr. Daily offered the following resolution:

Resolved, That the joint committee of revision be, and they are hereby authorized to appoint sub-committees of the members of the Senate and House of Representatives, and apportion among such sub-committees, separate portions of the law to aid in such compilation and revision, and to employ the necessary number of clerks to enable them to perform the duties assigned them, at as early a day as possible.

Resolved further, That the House of Representatives be informed of the foregoing resolution, and their concurrence requested, and a similar committee on their part appointed.

On motion of Mr. Stanford, laid on the table.

On motion of Mr. Dunning,

Resolved, That the committee on education be instructed to inquire into the expediency of reporting a bill allowing a reasonable compensation to the examiners of school teachers; said compensation to be

paid by the applicant for examination; and further to inquire into the expediency of making compensation to school commissioners for their services in paying over the interest arising from that portion of the surplus revenue distributed to the several counties for education purposes.

Mr. Mitchell offered the following resolution:

Resolved, That the Board of Fund Commissioners communicate to this Senate, with as little delay as may suit their business, the condition of the claim upon David Burr, for defalcation as one of the Canal Commissioners, and if it is paid, when and how, and if not paid, how is it secured, and when it will be paid.

Mr. Brady presented a bill No. 45, entitled a bill authorizing the construction of a bridge over White river on the Michigan road;

Which being read, on motion of Mr. Brady, the rules were suspended and the bill read a 2d time; and,

On motion of Mr. Ewing, referred to a select committee of Messrs. Brady, Ewing and Vawter.

Mr. Cathcart presented a bill entitled, a bill No. 46, to amend the 28th section of an act entitled an act relating to state roads, approved February 6th, 1837;

Which being read, on motion of Mr. Cathcart, the rules were dispensed with, and it was read a 2d time and referred to the committee on roads.

Mr. Ewing presented a bill No. 37, entitled a bill to incorporate the Logansport Insurance company;

Which being read, was, on motion of Mr. Dunning, read a 2d time now, and on motion, referred to the committee on corporations.

Mr. Stewart presented a bill No. 43, entitled a bill to amend an act entitled an act concerning enclosures and trespassing animals;

Which being read, was, on motion of Mr. Stewart, read a 2d time and referred to the judiciary committee.

Mr. Hoagland presented a bill No. 49, entitled a bill to legalize the sale of school section of congressional township No. 3, north of range No. 8 east, in Scott county,

Which being read, was, on motion of Mr. Stewart, read a 2d time.

Ordered, To be engrossed and read a 3d time on Monday next.

Mr. Tuley presented a bill No. 50, entitled a bill explanatory of an act entitled an act incorporating the New Albany canal company.

Which being read, was ordered to a second reading on Monday.

Mr. Watts of D. presented a bill No. 51, entitled a bill to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands;

Which being read, was, on motion of Mr. Watts, read a 2d time.

Ordered, To be engrossed and passed to a 3d reading on Monday.

Mr. Watt of U. presented a bill No. 52, entitled a bill to regulate the summoning of jurors in the 5th judicial circuit;

Which being read, was passed to a 2d reading on Monday.

The President laid before the Senate a report from the Board of Directors of the Bridge Street and Michigan Road;

Which was referred to the same select committee on the White river bridge.

The President laid before the Senate a report from the State Board of Internal Improvement;

On motion of Mr. Dunning, referred to a select committee and 200 copies ordered to be printed.

Ordered, That Messrs. Dunning, Daily, Tuley, Hackett, Thompson of L., Dobson, Sigler and Beard be that committee.

OFFICE OF THE STATE BOARD OF INTERNAL IMPROVEMENT, }
Indianapolis, Dec. 29, 1837. }

To the Senate of Indiana:

By direction of the State Board of Internal Improvement, I have the honor to transmit to the General Assembly, their decision upon the character of the Jeffersonville and Crawfordsville Road, declaring it a McAdamized Road, accompanied by the report of the Board of Engineers, upon which the decision of this Board is based.

Very respectfully, &c.

D. H. MAXWELL,
Pres't of the Board.

OFFICE OF STATE BOARD INTERNAL IMPROVEMENT, }
Indianapolis, Dec. 30, 1837. }

The committee to whom was referred the report of the Engineers, relative to the Jeffersonville and Crawfordsville road, now reported to the Board, and recommended the adoption of the following preamble and resolutions, viz:

WHEREAS, Sylvester Welch of Kentucky, Samuel Forrer of Ohio, and Jesse L. Williams of this State, the Engineers to whom was confided, in virtue of an order of this Board, at their session in September last, the examination of the route of the Jeffersonville and Crawfordsville Road, with instructions to compare the relative cost and advantages to the State, of a Rail and a McAdamized Road, so that the Board might be fully prepared to dispose properly of the conflicting testimony before them on that subject, and establish permanently the character of improvement on said route, have this day submitted their report to the Board; and among other important facts, it appears from said report, that the cost of a suitable rail road on said route, would be \$6,805,959 91, and exceeding that of a McAdamized road nearly \$5,000,000; and that such a work as the former, considered in connection with the general system of Internal Improvement adopted in this state, is

not required by the public interest; but on the contrary, the policy of it is discarded by any just view of the subject; therefore,

Resolved, That it is the opinion of this Board, that the Jeffersonville and Crawfordsville Road, authorized and directed by the 6th section of the act providing for a general system of Internal Improvement, should be a McAdamized Road; and that henceforth the character of the same shall be deemed and designated accordingly.

Resolved, That the President of this Board apprise the General Assembly of this decision, by transmitting to them a copy of these proceedings, accompanied by the report of the Engineers upon which it is based.

And on the question, shall the preamble and resolutions be adopted? it was decided in the affirmative, by the following vote:

AYES—Messrs. Blake, Clendenin, Graham, Lewis, Long, Woodburn and Yandes—7.

NAY—Mr. Maxwell.

Absent, Mr. Johnson.

Copied from the record of the Board, 29th Dec. 1837.

J. MORRISON, Sec'y.

To the Honorable,

the Board of Internal Improvement of Indiana:

GENTLEMEN—

The undersigned, having been organized as a Board of Engineers, agreeably to a resolution of the Board of Internal Improvement dated Sept. 14, 1837, authorizing the selection of a Board of Engineers "to examine the route of the Jeffersonville and Crawfordsville road, together with all the estimates and reports heretofore submitted to this Board and who shall report to this Board, at the earliest possible day, their opinion of the probable cost of constructing a rail road, and also a McAdamized road, on said route, together with their views of the relative cost and advantages to the country and profits to the state, which would probably result from the construction of the two kinds of improvement," have now the honor to

REPORT:

That in fulfilment of the duties assigned them they have within the last two weeks, made a personal examination of that part of the route lying between New Albany and the West fork of White river, accompanied by Mr. Fauntleroy, the Resident Engineer on this road, whose general intelligence and intimate acquaintance with the route, enabled him to furnish much valuable information and many important suggestions as to the necessary changes on parts of the line.

Commencing at New Albany, the line pursues the valley of Silver creek over a tolerably uniform surface, favorable to the construction

of a rail road, to Providence, a distance of 19½ miles. The next 17½ miles extending to Salem is much more expensive in its character, requiring in many places, the maximum of grade as well as curvature. The first 6 miles north west of Salem will be costly, after which the route pursues for 20 miles, the table land which divides the waters of Lost river from those of the east fork of White river. The character of the country from the termination of the last named division to the crossing of Salt creek, embracing a distance of about 13 miles, is such as to present greater obstacles to the proper graduation of the road than are found on any other portion of the route. From Salt creek to the head of Allen's run, a distance of 8 miles, the line is more favorable. Following down the valley of this stream, and thence up the valley of Clear creek, the route presents difficulties of a very formidable character, until we reach Ketcham's mill, a distance of 9 miles, from which point to Bloomington, a distance of 7 miles, the graduation of the road will be very cheap. In proceeding from Bloomington, the line after passing for 4 or 5 miles over a surface very unfavorable to the construction of a road, reaches the bottom lands of Bean Blossom creek, which it is believed will afford a favorable route thence to a point near Mount Tabor, a probable distance of 7 miles. From this point to the West fork of White river, a distance of 4 miles, the expense of constructing a rail road will be great if we include the cost of crossing that stream.

The estimates heretofore made and presented to the Board of Internal Improvement and submitted to the inspection of the undersigned, contemplate a maximum ascending grade towards New Albany of 45 feet and a descending grade of 50 feet per mile. These grades so adopted in the location and surveys made, together with the quantities furnished on actual locations, were by the undersigned made the basis of a first estimate. Well attested experiments useful and practical, however, clearly demonstrate that even the lowest of the maximum grades, should nowhere be admitted in the construction of a rail road, except for the sole purpose of avoiding the use of stationary power, on planes of greater inclination.

With these admonitions the undersigned were particular in noticing the character of the country through which this road is designed to pass, with a view to satisfy themselves, as the necessity of adopting higher grades than 40 feet per mile, and came to the conclusion that there is no such necessity. It is therefore recommended that the grade should nowhere on this line exceed 40 feet per mile, and the estimates of the probable cost are made with reference to this maximum grade.

It is proposed to grade the road and build the bridges wide enough for a double track, and to lay down a single track with turnouts and sideways at intervals of about five miles. At the end of four or five years, or before the timber of the first track is decayed, the second track should be laid down.

In the plan recommended for the superstructure, the iron rail is supposed to weigh 45 lbs. to the yard in length, which is the weight of the rail adopted for the Madison and Lafayette rail road. On most of

the good roads now building in the eastern part of the United States, which are intended for a heavy trade, and where heavy locomotive engines are to be used, iron rails which weigh from 50 to 60 lbs. to the yard in length, are generally adopted, and the undersigned would recommend the use of such rails for the roads in this state if the lighter one had not already been ordered for the Madison and Lafayette rail road.

The rails are to be laid upon a timber foundation, arranged in the following manner: a continuous line of timbers, ten inches square, are to be placed in ditches prepared for the purpose, under each line of rails. Cross ties six by eight inches square, are to be notched on the longitudinal timbers, at intervals of 3 feet, and secured by locust pins. The rails, except at the ends, are to be fitted to the top of the cross ties, and secured by brad headed spikes. The beds of the rails are to be secured by cast iron chairs fitted to the cross ties and fastened with spikes. They will be kept in place by an iron key or wedge. The top of the longitudinal timbers will be a little below the level of the graded surface of the road, and will be covered with earth to the depth of three or four inches. No provision is made for a horse path.

The common flat bar or rail, which is generally about two and a quarter inches wide and five-eighths of an inch thick, and which weighs about 14 lbs. to the yard in length, has been laid upon several of the rail roads in Pennsylvania and Maryland, and in some of the other States. Where heavy engines have been used, and a large amount of freight has been carried over these roads, the rails have been found too weak to resist the action of the engines and cars; they bend under the weight of the load as the cars pass along, and sink into the wood rails that support them. This bending frequently repeated, causes the rails to become loose and the ends to turn up, so as to render the passage over the road at a rapid velocity, dangerous. The rails elongate so much that in some cases the ends pass each other. The expense of repairing this kind of road becomes very great after the two or three first years. Where the amount of trade is small and where horses are used as motive power, the plate rail may be laid with advantage, but upon a rail way where heavy locomotive engines are used, it ought not in any case to be adopted.

The cost of each mile of superstructure for a single track, upon the plan recommended, may be estimated as follows, to-wit:

70.7 tons of rails \$90 per ton	\$6,363 00
11070 lineal feet of white oak timber 10 by 10 in. at 8 cts.	885 60
1848 cross ties 3 feet long 6 by 8 in. 35 cts.	646 80
2000 feet 2 inch plank \$25 per M.	50 00
900 cubic yards excavation 30 cts.	270 00
Furnishing pins, laying timbers and rails, and levelling and finishing the track ready for use, 1760 lineal yds. at 56 cents per yard	985 60
Chairs, spikes, and wedges for one mile	834 00
Add for necessary turn outs	300 00

Total cost

\$10,335 00

In presenting an estimate of the probable cost of grading the rail road the undersigned feel it due to themselves to state that estimates of quantities for grading, masonry, bridging and grubbing, have been furnished from locations designed to be final on that part of the route only, which lies between New Albany and Salem, a distance of 36.85 miles; and on the remaining portion to Crawfordsville, from a mere experimental line run in a hasty manner, with no other design, than to form the basis of future examinations with a view to a final location, after making numerous experiments. With such data, and the short time employed in reviewing such parts of the line as was deemed most important to the investigation of the subject, it will readily be inferred that the undersigned must feel much delicacy in coming to a conclusion, which they have for its object the adjustment of a question of so much importance, as seems to be involved in the reference of this subject to them.

That portion of the road extending from New Albany to Salem, a distance of 36.85 miles appears to have been estimated by Mr. Pettit at \$18,184 per mile, exclusive of the track and without any allowance for contingencies and superintendence. The undersigned are of opinion that some improvements may be made in the location and plans, from which this estimate was made, by which the quantities of excavation and embankment may be diminished. This saving may, however, be balanced by the increase in the quantities at other points, caused by a reduction of the grades, which would no doubt be deemed judicious on parts of the line, in the final location of the work. The prices at which Mr. Pettit's estimate has been made, are generally higher than the undersigned have usually allowed for similar work. Adopting his computation of quantities, and attaching thereto such prices as appear reasonable, the cost of grading and bridging on this division of the road will average \$17,588 70 per mile, including an addition of 10 per cent. for contingencies and superintendence.

Between Salem and the head of Brush creek, near the north line of Owen county, a distance of 87 miles, the surveys which have been submitted to us, though of much service in determining the grades, do not afford data from which an accurate measurement of quantities can be made. From all the information that can be collected, it is supposed that this portion of the line will be more costly, in proportion to its length, than that between New Albany and Salem. Admitting that the average cost of grading and bridging, on this division, be 15 per cent. greater than the line south of Salem, it will amount to \$20,226 per mile.

As the undersigned have not found time to make a personal examination of that portion of the route extending from the head of Brush creek to Crawfordsville, they have before them no other information than is furnished by the survey recently made of this part of the line by the resident Engineer.

From the report of that survey it appears that this division of line is 49.84 miles in length, and has been estimated at an average per mile of \$9,339, for the graduation and bridging without any addition for

superintendence or contingencies. From an examination of this estimate, together with the profile of the ground, we have thought it necessary to increase the average to \$12,000 per mile, chiefly on account of the proposed reduction of grades.

Estimating from the data here assumed, for the several portions of road, the cost may be stated as follows, to wit:

From New Albany to Salem	\$648,144 00
Thence to head of Brush creek, near the north line of Owen county	1,759,662 00
Thence to Crawfordsville	598,080 00
Total cost of graduation, &c.	\$3,005,886 00

Add cost of single track with the necessary turnouts, 173.69 miles, at \$10,335 per mile	1,795,086 15
Add for depots, machine shops, and water stations	75,000 00
Add 10 per cent. on two last items for contingencies	187,008 61

Total cost with single track laid	\$5,062,980 76
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Add also to the cost of the second track at \$10,035 per mile	1,742,979 15
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Total	\$6,805,959 91
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Average cost per mile of graduation	\$17,306 04
Average cost per mile with single track	29,149 52
Average cost per mile with double track	39,184 52

The country between New Albany and Crawfordsville, so far as it was examined, is similar in many respects to that over which the Philadelphia and Columbia rail road in Pennsylvania is made. The route of the road in both cases crosses the valleys of all the streams which drain the country. The general surface of the ground along both lines is undulating and deep cuts, and high embankments are required to preserve the level of the roadway. The bridges on the Philadelphia and Columbia rail road cost something more than the bridges would cost on the Jeffersonville and Crawfordsville road, but the grading of the latter, it is believed, would be more expensive than that of the former. The Philadelphia and Columbia road has a double track with rails weighing from 41 to 42 pounds to the yard in length. The cost of the road including depots, machine shops, and all other expenses was a little more than \$13,000 per mile.

On a railway intended for a general trade and where the amount of tonnage would vary considerably, as would be the case on the Jeffersonville and Crawfordsville road, the cost of motive power, per ton per mile would be about 1.75 cents, where the maximum grade were 40 feet to the mile. The expense of cars, loading and unloading, oil con-

ductors, &c. would be about 1.5 cents per ton per mile. This would give for the cost of transportation, exclusive of toils and profits, 3.25 cents per ton per mile.

The tolls charged upon the Pennsylvania railways, are different upon different articles. On most kinds of agricultural produce the toll is 8 mills per thousand pounds per mile; on groceries and hardware, 16 mills per thousand lbs.; on iron, nail, &c., 14 mills per thousand lbs.; on light articles of merchandize, 20 mills per thousand lbs.; on lumber, bricks, &c. 7 mills per thousand lbs.; on mineral coal, clay, sand, gravel, &c. 3 mills per thousand lbs. per mile. When the quantities of each article conveyed upon the road are considered, the tolls will average a little more than two cents per ton per mile.

On railways made and managed by companies, a separate charge is not made for tolls. The charge for transportation includes all expenses. When the road is owned by the State, or where toll is charged separately from other expenses, the amount charged under this head, should be at least equal to the interest on the cost of the road and the current expenses of repairs. On the Pennsylvania railways (owned by the Commonwealth,) the annual interest and the cost of repairs thus far, have considerably exceeded the amount received annually for tolls.

If the toll on passengers is put down at one cent per mile, for each passenger, and the toll on freight at 2.5 cents per ton per mile, it will not vary materially from the tolls charged on the Pennsylvania railways. This will give for the cost of transportation including toll 5.75 cents per ton per mile without any allowance for profit.

The estimated cost of the road graded for a double track, with a single track with turnouts laid down, \$29,149 52 per mile. The interest on this sum at 5 per cent. per annum paid semi annually, would be \$1,475 68.

If we suppose the timber part of the railway to be renewed every seven years, and the expense of renewing to be the same as the cost of the timber and labor required to lay it down at first, viz: \$2,838, to which add one dollar for renewing turnouts, making \$2,938, we shall require an annual sum of \$360 85 for seven years to be invested at the end of each year, so as to improve at compound interest at the rate of 5 per cent. per annum, to produce this sum.

The expense of the annual repairs, other than the renewal of the timber work, will depend in some measure upon the amount of trade and travel. This expense will increase with the trade, but not in so great a ratio. If we assume for the purposes of calculation as the average business for the next fifteen years, 40,000 tons per annum as the amount of transportation, and 75 passengers per day as the amount of travel, we may take the average cost of such repairs at 250 dollars per annum. This sum added to the \$360 85, allowance for the renewal of the wood-work, makes \$610 85, as the annual cost of repairing the road, exclusive of depots, water stations, &c., which should be charged to the motive power.

This would give for the annual cost of the road including interest

on capital invested, allowance for renewal of timber-work and repairs, and not including the wear of iron rails, \$2,086 53 per mile. The cost of locomotive engines, &c. would be charged in the account of motive power.

If 40,000 tons of freight in a year, and 75 passengers per day, or 27,375 in a year as assumed above, be taken as the average amount of trade and travel, and the tolls charged average 2.5 cents per ton, per mile, on freight, and one cent per mile on passengers, the receipts for each mile would be for passengers, \$273 75, and for freight \$1000, making \$1,273 75, leaving a balance against the road, of \$812 78 for each mile, which would be equal to the tolls on 32,511 tons of freight; this added to the above gives 72,511 tons of freight, 27,375 passengers as the amount of trade and travel required to pay the current expenses of the road and the interest on its cost. Or if allowance be made for additional cost of repairs with the greater trade, the freight would equal about 75,000 tons.

The second track, which should be laid down before the timber of the first decays, is estimated to cost \$10,035 per mile, the annual interest upon this amount payable as above, would be \$508, to which add for renewing the wood work \$360 85, (the sum allowed for the first track) gives \$868 85 as the annual expense of the second track. To meet this expense would require an addition to the freight of 34,754 tons, or if allowance be made for the increased expense of repairs about 37,000 tons per annum. This gives 112,000 tons of freight, and 27,375 passengers annually as the amount of trade and travel required to pay the current expenses of the road, finished with a double track.

The undersigned believe that they should not perform their duty to the State, if they did not express their conviction that in the event of the construction of a rail road its efficiency and general utility might be increased, were the Board of Internal Improvement in the final location, at liberty to make slight variations from some of the points named in the law. The town of Salem is situated about a mile north east of the route plainly indicated by the direction of the valleys as the proper location for the rail road. To pass through this place, will not only require much objectionable curvature and higher grades, but will increase the length of the road, as much as 14 miles in the distance of 3 miles.

A still greater inconvenience to the public will result, if the rail road be required to pass through the town of Bedford. This place is situated on an elevated ridge, between the East Fork of White river and Salt creek, about three miles from either stream, and nearly 200 feet above their valleys where the line crosses them. If the road be constructed as required by the law, the whole country north of this point will be subjected to the inconvenience and extra expense of transporting its trade through all time to come, by a very steep grade, over this elevation. It is evident that the efficiency of the road would be greatly enhanced, and the cost of transportation of course diminished, by a change of the route, so as to cross White river near the mouth of Salt creek, and passing thence up the valley of that stream to the point

where the present line crosses it, with grades of moderate inclination. The points which would thus be left off the main line, might be accommodated by branch roads.

The deviations here suggested, will be better understood by reference to the accompanying maps.

In making an estimate of the probable cost of a McAdamized road through the same points designed to be accommodated by the rail road, the undersigned have been compelled to rely upon data not less vague and unsatisfactory than those adopted for the estimates of the cost of the rail road, so far as surveys and estimates heretofore made are concerned. It is however, proper to remark that access has been had to the cost of a number of McAdamized roads already constructed, (See Statement A.) some of which pass through districts of country sufficiently analagous to the one now considered, in their adaptation to this kind of improvement, which afforded much aid in forming an opinion as to the probable cost of the McAdamized road on this route.

By reference to official documents in relation to the internal improvements of the State, it appears that a survey and estimate of a road from New Albany to Crawfordsville, graded to 34 degrees as the maximum, was made in 1835, by Edward Watts, in whose report, the length of the road is stated at 158 miles, and the average cost of grading and bridging at \$3,978 per mile. The undersigned would not recommend the construction of a turnpike road on this route with a maximum grade exceeding 2 degrees. To obtain this grade, on the hilly portions of the line, it will be necessary to increase the length of the road, probably to 160 miles. This estimate of cost as stated above, may have been high enough at the time it was presented, yet as labor and provisions have advanced in value, some addition should be made to that estimate. From an examination of the detail of the estimate and a comparison with the actual cost of other roads, it is believed that \$4,700 may be assumed as the average cost per mile of the grading and bridging.

The plan of the McAdamized road as adopted for the bases of the estimate presented, contemplates a maximum grade of 2 degrees, and a stone covering of 20 feet wide and one foot in depth in the centre and diminished at the edges, to be laid on in two layers,—one seven inches thick, of stone, weighing not more than eight cunces, and the other or top layer of 5 inches thick and of stone weighing not more than 5 ounces.

In estimating the cost of the stone cover, it is assumed that the whole quantity of stone required for McAdamizing the first 25 miles nearest the river. (if the road pass by way of Providence,) must be hauled an average distance of 2 miles, that for the next 115 miles the stone will be had on and near the line of the road, and taken partly from the excavation. On the remaining 20 miles, it is believed that no limestone can be had near the line of the road. Sand stone may, however, as we are informed, be obtained at an average distauce of 2 miles, and it is therefore proposed to substitute sandstone in place of limestone for

the lower 7 inches, and to finish off with a five inch layer of limestone, which will have to be hauled an average distance of 10 miles.

From the data here given, the cost of the stone covering on the first 25 miles from New Albany, has been estimated at \$8,320 per mile; the next 115 miles, embracing the limestone region at \$4,160 per mile, and the remaining 20 miles next to Crawfordsville, at \$10,211 per mile. The probable cost of a McAdamized road, according to this estimate, may be stated as follows, to wit:

Grading and bridging 160 miles at \$1,700 per mile	\$752,000
Stone covering on the first 25 miles from New Albany	
\$8,320 per mile	208,000
Stone covering on the next 115 miles at \$4,160 per mile	478,400
Covering on twenty miles next to Crawfordsville at	
\$10,211 per mile	204,220

\$1,642,620

Add ten per cent. for contingencies and superintendence	164,262
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Total cost from New Albany to Crawfordsville	\$1,806,882
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Should a McAdamized road be made, a saving in expense of about two hundred thousand dollars may be effected by adopting a route different from that upon which this estimate is predicated, intersecting the Vincennes road at Greenville. By this location, the length of road *to be constructed*, would be reduced about twelve miles, and the whole of the southern portion of the route, be placed upon the limestone district.

In respect to the cost of repairing the M'Adamized road it may be safe to assume the wearing of the metal, with the greatest amount of travel that can be expected on this route at half an inch in depth annually in addition to common repairs, being equal to the entire renewal of the upper covering of 5 inches once in 10 years, the average cost of which will be about \$2,550.

This sum paid once in 10 years will be equal to the invest-

ment annually at 5 per cent. compound interest of	\$202 83
To which add for ordinary repairs and superintendence	100 00
For collection of tolls	15 00

Total annual cost of repairs, &c. per mile	\$317 83
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Annual interest on cost of road per mile, paid semi-annually at 5 per cent.	571 70
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Annual cost of road per mile	\$889 53
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The cost of transportation upon a M'Adamized road is affected to a considerable extent by the greater or less inclination of the hills or steep grades. On a level road the power required to draw a load, when the weight of the wagon and load is one ton, and the rate of travelling is from two and a half to four miles an hour, is equal to about one thirty-fifth part of its weight. When the road is dry and

smooth the resistance increases nearly in the same ratio as the load, but when the road is wet and not in good order, the resistance increases in a greater ratio than the load.

A broad tired wagon strong enough to carry four tons, will weigh about 3000 lbs.; this add-d to the load, viz: 8000 lbs. will make 11,000 lbs. as the weight of the wagon and load; 11,000 divided by 35 gives 314.3 lbs. as the resistance on a level when the road is dry and in good order. If the wagon is drawn by 4 horses the draught or power to be exerted by each horse, will be 78½ lbs. or about two thirds of the effective power of a horse when travelling at the rate of two and a half or three miles an hour. When the road is wet and not in good order, the resistance of the road will be greater, and a greater effort of the horse would be required to move it forward.

In ascending a hill, when the inclination is two degrees, the power required to overcome the gravity of the load, is equal to 1-28.65 part of its weight. With a load of 11,000 lbs. the resistance of gravity would be 384 lbs. nearly. This added to 314.3 lbs. the resistance of friction on a level gives 698.3 pounds as the resistance of the load or power required to draw it up the hill; 698.3 lbs. divided by 4, gives 174.6 lbs. as the effort to be exerted by each horse. When the road is in bad order the resistance may be increased by the additional friction to 200 lbs. for each horse, which is the greatest effort that a common horse should be required to exert, even for a short time.

Assuming one ton of 2000 lbs. as the load for one horse on a well made road, where the maximum grades do not exceed two degrees, and 21 miles per day as the average distance over which he will travel, the performance of 4 horses would be four tons multiplied by 21 miles, equal to 84 tons drawn one mile. The average cost of wagon, driver and four horses, would be about five dollars per day, including all expenses; \$5 00 divided by 84 equals 5.95 cents, or nearly 6 cents per ton per mile. Add for loading, unloading, and loss of time, 25 per cent. equal 1½ cents; and for tolls at the rate of 1½ cents per ton per mile equal 1½ cents, gives for the cost of transportation, including all expenses 9 cents per ton per mile, when the wagon has a full load in both directions.

If the wagon be loaded in but one direction the rate of traveling may be increased to 25 miles per day, while returning without a load, and \$5 00 divided by 25 gives 20 cents per mile as the expense of the empty wagon, exclusive of tolls and loss of time. If the tolls remain the same, viz: 6 cents per mile (equal 1½ cents per ton for the loaded wagon,) and an allowance of 10 per cent. for loss of time is made, the whole expense will= $20 \times 2 \times 6 = 28$ cents, which divided by 4 gives 7 cents to be added to the cost of each ton carried in the opposite direction. This gives for the cost of transportation when the wagon is loaded only in one direction, 16 cents per ton per mile. This may be taken as the maximum cost.

If one half the return of wagons are loaded, which will probably correspond nearly with the results of actual business, the average cost of transportation would be 11.1-3 cents per ton per mile.

The average price paid for transportation of merchandize, produce, &c., on the road from Maysville to Lexington, in Kentucky, a distance of 64 miles, upon a M'Adamized road, with maximum grades of two degrees on 60 miles, and higher grades on the 4 miles at the Maysville end, is as follows, to wit:

From Maysville to Lexington.

For dry goods \$12 50 per ton for sixty-four miles equal to 19.5 cents per mile.

For iron, nails, salt and groceries \$10 00 per ton equal to 15.6 cts. per ton per mile.

From Lexington to Maysville.

For bulky articles \$7 50 per ton or 11.7 cents per mile.

For bail, rope, haggging, and other heavy articles, \$5 per ton or 7.8 cents per ton per mile.

The tonnage made up of heavy articles, going in the direction of Maysville, greatly exceeds that which is composed of light and bulky packages. From Maysville to Lexington the aggregate weight of the light freight, such as dry goods, &c. probably exceeds that of the heavy freight, but the difference is supposed to be not very great. If the weight of the heavy and light freight, be assumed to be equal in both directions (which is not the fact with regard to that from Lexington to Maysville) the average cost of transportation will be, from Lexington to Maysville 9½ cents per ton per mile, and from Maysville to Lexington, 17½ cents per ton per mile.

On a turnpike road from New Albany to Crawfordsville, the greatest amount of tonnage would probably pass in the direction of New Albany. It would consist mostly of agricultural produce, and would correspond with the heavy articles, carried on the Maysville road. The freight carried from New Albany towards Crawfordsville, will, so far as regards the relative quantities of light and heavy articles, correspond very nearly with that carried from Maysville to Lexington.—When the character of the trade is considered and compared with that on the Maysville and Lexington road, it appears that the average cost of transportation, allowing the same prices that are paid there, will be between 12 and 13 cents per ton per mile, or a little more than twice as much as the cost upon a rail road, with grades of 40 feet to the mile.

The expense of transporting passengers upon a turnpike road, if we take the prices paid for stage fare in the eastern and middle states as a guide, appears to be about twice as much as the charge for conveying them upon a rail road.

On a well constructed turnpike road, such as is provided for in these estimates, passengers may be conveyed at an average rate of eight miles per hour, which is about half the speed usually maintained on rail roads.

With regard to the utility of the two kinds of improvement each

has advantages which may be realized in particular situations. For a communication between large cities, where there is a greater amount of travel, a railway is preferable to any other channel of conveyance. Light and valuable merchandize can be carried upon a railway with more advantage to the merchant, than upon a canal or other water communication, as the saving of time will more than compensate for the additional charge for transportation. A railway may be adopted with advantage between two distant points, where a water communication cannot be made, and where a very large trade is to be accommodated. When the amount of tonnage is not variable, as in the case of conveying coal from the mines to market, a great amount of tonnage may be carried over a single track. But when the tonnage is variable and irregular, and when the freight is received and delivered at different points, the use of a single track is very inconvenient, and produces great delay even with a small amount of trade. On a single track railway passengers must travel, generally at the same rate as the heavy cars, particularly if the number of heavy cars is very large. When a railway is made level, or with a small but uniform descent in the direction of the heavy trade, the expense of motive power becomes very small and would probably not exceed half a cent per ton per mile, but the other expenses would be nearly the same as upon an undulating railway, with grades of from 20 to 30 feet per mile.

A railway cannot be used as a public highway. Its trade must be regulated by one person, or one controlling power. As a highway, it is of no advantage to the farmer or citizen, except to carry his produce or merchandize from the several places of deposite, along the road, to market, or to convey him as a passenger from one stopping place to another, and these stopping places would only occur at intervals of from ten to fifteen miles. A turnpike road or a good common road, to pass near to and in the same direction as the railway, would in all cases be necessary for the convenience of the common travel and for the conveyance of freight to and from the places of deposite along the rail road.

A McAdamized road, when the tolls are properly regulated, answers all the purposes of a road for common intercourse between the different sections of the country through which it passes. It is also adapted to the transportation of heavy freight, and of passengers in stage coaches. The cost of conveying freight and passengers upon a turnpike road, appears to be a little more than one hundred per cent. greater than upon a rail road, used for the accommodation of a general trade and where the maximum grades are 40 feet to the mile. Where the amount of freight, &c. would be nearly the same at all times, the difference would be much greater in favor of the rail road.

The cost of the railway from New Albany to Crawfordsville, finished with a double track, which is deemed indispensably necessary for the accommodation of a trade of even 40,000 tons, and of the passenger travel, is estimated at \$6,805,959 91. The cost of the McAdamized road between the same points is estimated at \$1,806,882 00, or the cost of the turnpike road when compared with the rail road is as 1 to 3.8 nearly.

The annual interest at 5 per cent, per annum paid semi-annually in the estimated cost of the rail road is	\$344,551 72
The interest on the cost of the turnpike road is	91,473 40
Making a difference in favor of the turnpike road of	<u>\$253,078 32</u>

The annual expense of the renewal of timber and of ordinary repairs upon the rail road with a double track, when compared with the renewal of the stone covering and ordinary repairs of the turnpike road will be nearly in the proportion of 3 $\frac{1}{2}$ to 1, in favor of the turnpike road.

The resolution of the Board of Internal Improvement seems to contemplate the expression of an opinion by the undersigned, as to the relative advantages to the country and profits to the state which would probably result from the construction of the two kinds of improvement.

To meet the wishes of the Board on this branch of the duties assigned to us, would require a more intimate knowledge of the resources and condition of the district of country designed to be benefitted by these improvements than can be supposed to be in our possession.

To make even an approximate estimate of the amount of transportation, either upon a rail road or a McAdamized road on this route, it is important to determine with some degree of accuracy, the present, progressive and remote capabilities of a given district of country in the vicinity of the improvement to supply business. It is also peculiarly important in the present instance, to understand and regard well the local position of this route for a road in order to compare the relative advantages of the two plans of improvement. For it is not sufficient to assume a given amount of business for either plan of road with a view to a correct comparison; as it is evident that a low estimate of tonnage would present a result unfavorable to the more expensive mode of improvement, and too high an estimate would exhibit the comparison in an unfavorable light to the cheaper mode. In considering the subject, it is necessary to keep in mind the whole system of improvement adopted by the state, and the influence that each respectively will have on the business of the others. On an inspection of a map of the state, with the several lines of roads and canals authorized by law, laid down upon it, we find a rail road line running from Crawfordsville by Indianapolis to Madison, on the Ohio river on the east, and the Wabash and Erie canal on the west, both nearly parallel to, and at no great distance from the Albany and Crawfordsville route; while still another, the Central canal, bisects the line of the road about 60 miles south of its northern termination. These several improvements when made will divide the business in a large district of country, so as to diminish much the amount which would be done on either. Were we considering the relative value of a rail road, and McAdamized road, to be constructed on this route, as the sole means of transportation for the entire district of country now relied on for the support of the several improvements, there could be no hesitation in giving the most decided

preference to the rail road even with the high grades and short curvatures, which this road must necessarily have, and which would greatly impair its efficiency. But as the channels of communication now in progress will divide the business, so as to accommodate the several sections of the state, and will be fully sufficient for the conveyance of the trade of any district merely agricultural, of the extent of the one now under consideration, however highly improved, the addition of another, the cost of which would be as great as that of a rail road from New Albany to Crawfordsville, could not be regarded as a judicious investment of capital, or as necessary for the commerce and trade of the country. A turnpike road on this route would probably not, under any circumstances, pay the interest on its cost and pay the current expenses of repairs, but as it is a cheaper work and will be fully adequate to the present wants of the country, the undersigned are of opinion that it would be a more judicious improvement than a rail road.

All which is respectfully submitted.

SYLVESTER WELCH,	}	Civil Eng'rs.
SAMUEL FORRER,		
J. L. WILLIAMS,		

INDIANAPOLIS, Dec. 26, 1837.

Statement showing the Cost of several McAdaminized Turnpike Roads.

NAMES
of McAdaminized Turnpike Roads.

Depth of stone covering in inches.	Width of stone covering in feet.	Width of grade in feet.	Maximum grade in degrees.	Cost per mile, including metaling.	Length of Roads finished in miles.
<i>Kentucky Roads.</i>					
10½	18	32	3	\$5,150	3.75
10½	18	32	3	4,800	13.50
9	18	30	2½	4,538	10.00
9	18	30	2½	4,572	10.00
9	18	30	2	5,714	4.00
9	15	40	2	6,758	29.00
10	15	40	2	6,219	17.75
9	18	30	2	5,180	12.00
12	20	50	2	7,500	8.00
9	18	30	2½	5,685	25.00
9	18	30	2½	5,709	9.50
9	16½	30	2	4,200	15.50
9	20	32	2	6,405	64.00
<i>Ohio Roads.</i>					
9	20	40	2½	8,000	12.00
9	20	40	3½	7,800	13.00

Cincinnati and Harrison road -
Cincinnati, Lebanon, and Springfield -

OFFICE OF THE STATE BOARD OF INTERNAL IMPROVEMENT,
Indianapolis, Dec. 30, 1837. }

To the Hon. the Senate of Indiana:

In answer to a call, by resolution of your honorably body of the 14th inst. the State Board of Internal Improvement has the honor herewith to transmit "the reports of the several Engineers who have surveyed the route of the New Albany and Crawfordsville Road, for the purpose of determining the character of the road."

The first is Mr. Fauntleroy's report, marked A, the second Mr. Pettit's marked B, and the 3d a recent one by Mr. Fauntleroy, of that part between Brush creek and Crawfordsville, marked C.

The action of the Board on these reports has been reported to the General Assembly in the annual report of the Board, and the one made this morning, based upon the report of Messrs. Welch, Forrer and Williams.

Respectfully,

D. H. MAXWELL,
Pres't of the Board.

*To the Board of Internal Improvement
of the State of Indiana:*

GENTLEMEN—

In compliance with your request, made in fulfilment of an act of the last General Assembly of the State of Indiana, I have proceeded to make surveys and estimates relative to the construction of a rail road, from Jeffersonville, via New Albany, Salem, Bedford, Bloomington and Greencastle, to Crawfordsville, and would respectfully submit the following

REPORT.

For the convenience of reference, I have divided the route into six divisions, and these divisions which have been surveyed, into sections of one mile each; each section being numbered with the distance in miles, from the beginning of the respective divisions, as well as the whole distance from Providence.

The 1st Division extends from Jeffersonville to Providence.

2d Division	"	Providence	to Salem
3d Division	"	Salem	to Bedford
4th Division	"	Bedford	to Bloomington
5th Division	"	Bloomington	to Greencastle
6th Division	"	Greencastle	to Crawfordsville

Owing to the late period at which this survey was undertaken, it was thought prudent to commence operations in the neighborhood of the first important difficulty; leaving that part of the route unsurveyed, where no doubt could rest as to its practicability. Accordingly, the survey was commenced at Providence, in the valley of the Muddy fork of Silver creek.

FIRST DIVISION.

The First Division, from Jeffersonville to Providence, is about 25 miles in length.

Commencing at Jeffersonville, it passes over an alluvial bottom land, in direction parallel to the Ohio river, to New Albany; crossing Mill Run and Silver creek on the way. From Albany, the route pursues the valley of Silver creek, to the mouth of the Muddy fork; thence up the latter stream to Providence.

The whole of this route is very favorable to the construction of a railway, as may be seen by reference to R. Coyle's report on the Columbus and Jeffersonville rail road, presented to the legislature by Howard Stansbury, U. S. A. C. E.

In this report, it will be seen, that, both Mill run and Silver creek were crossed within a few miles of Jeffersonville; thus meeting much the same obstructions which are encountered by the way of Albany.

By reference to the above report, it will be found, that the last division, extending from the summit of the ridge, dividing the waters of the Muskakatack from those of Silver creek, to Jeffersonville, is upwards of 26 miles in length, and the average cost per mile of graduation and masonry is stated at \$4,355 12. Assuming the above amount as the probable cost per mile, from Jeffersonville to Providence, the cost of the whole division, for graduation, masonry, and bridging, will be \$108,878 00.

As it regards the grades upon this division, there can be no difficulty since the elevation of Providence above Albany does not exceed 120 feet. For further particulars, I refer you to the above report.

SECOND DIVISION.

From Providence to the West bank of Blue river, at Salem.

This division is 18 miles in length, and passes over a very rugged country, cut by many streams, flowing at right angles to the direction of the route.

Commencing at Providence, the route pursues the valley of the Muddy fork of Silver creek, cutting through the points of the ridges, which bound the valley of the creek on the north, and reaches the summit of the high ridge country, generally styled the knobs, by means of a deep cut at the summit. The route then descends to the valley of the east fork of Blue river—crosses the river, and pursuing a course for about

half a mile, across a low flat ridge, dividing Blue river from Evan's branch, it ascends the valley of the latter stream, to the summit of the main ridge, dividing the east and middle forks of Blue river. This ridge is high, and will require a deep cut across its summit, in which limestone will be encountered, and possibly to a greater extent than is contemplated in the adjoining estimates. From the summit of the ridge the line gradually approaches the middle fork of Blue river in direction down the stream; cutting across the spurs of ridges which bound the river on the south east side. In this manner a descent is effected to the crossing of the river, at the expense of several deep cuts and heavy embankments.

After crossing the middle fork of Blue river, the line follows down the valley, on the north west side of the stream, to its junction with the west or Salem fork. The junction of these rivers is remarkably favorable to the direction of the road, since they meet each other nearly in a straight line, and, after their junction, flow off at right angles to the course of either stream. From this point the line follows the valley of the west fork of the river to Salem, and crosses the river at the southern boundary of the town.

No curvature will be necessary in this division of a less radius than 1,000 feet.

The grades upon this division exceed 45 feet per mile on four parts of the line, viz: The elevation of the knobs is overcome with a grade of 59 1-2 feet, for 2.16 miles—the descent from the knobs to the East fork of Blue river is effected with a grade of 52 1-2 feet per mile, for 0.681 miles—the ascent to the summit of the ridge, between the middle forks of Blue river, is at the rate of 59 1-2 feet per mile, for 2.35 miles, and the descent to the middle fork of Blue river is effected with a grade of 59 1-2 feet per mile, for 2.61 miles.

It is proper to remark, that this division admits of grades throughout, not to exceed 45 feet per mile: that is to say, the length of each grade, exceeding 45 feet, may be increased, if upon further examination, it should be found, that the advantage of so doing would more than counterbalance the expense.

The route surveyed is the only one which I was able to discover in time for the party, but from subsequent information derived from the citizens, in the neighborhood of the line, it is possible that a more direct route from the knobs to the junction of Blue rivers can be found. A judicious change may also be made on approaching the town of Salem; that is, about two miles below Salem, the route could take the valley of a small tributary of Blue river, one of the branches of which heads near the town. By following the valley of this branch some distance would be saved, and a less degree of curvature would be necessary, to pass the town.

The whole cost of this division, for graduation, masonry and bridges, amounts to - - - - - \$165,637 95

Averaging per mile, - - - - - 9,201 99

THIRD DIVISION.

From Salem to Bedford, 35 Miles.

The route, on leaving Salem, descends the river on the west side to the mouth of Highland creek, distant 1 1-8 miles: at this point it crosses the latter stream, and ascends its valley for about $\frac{3}{4}$ miles, to the mouth of Sweaney branch; thence it ascends the latter stream to the summit of the ridge dividing its waters from those of Mill creek, making the whole distance from the mouth of Highland creek to the summit 3.48 miles, through which the line ascends uniformly with a grade of 45 feet per mile. From the summit of this ridge the line descends with a grade of 45 feet, to one of the forks of Mill creek, distant 0.34 miles; thence it ascends with a grade of forty-five feet for one mile to the summit of the main ridge dividing Blue river and Lost river on the south from Driftwood fork of White river on the north. The line follows this ridge on a direction parallel to the general course of White river for about 20 miles, when it pursues a direction towards the river for about 5 1-2 miles, making the whole distance from the summit of the ridge to the crossing of White river 25 1-2 miles. The country between the latter points is very favorable for about 15 miles being gently undulating and descending moderately towards the crossing of the river. For the last 10 1-2 miles the country becomes more and more undulating in consequence of the numerous lime sinks, by which this portion of the country is drained. This part of the line requires the frequent introduction of grades for short distances and descending in either direction. The elevation of the highest point crossed on the above ridge above the valley of White river is 404 feet.

This fork of White river is 480 feet wide from bank to bank, and the bottom land on either side are together about 990 feet wide, and subject to inundation to the average depth of about 10 feet. The estimates for the crossing of this river contemplate a bridge of 480 feet in length consisting of 4 spans of 120 feet each, and 1300 feet of truss work to connect the bridge with the high ground on either side. This bridge is elevated 30 feet above high water for the purpose of allowing the passage of boats and at the same time securing a grade of 45 feet to the summit of the bridge at Bedford.

From the crossing of the river the line follows the valley of Leatherwood, cutting across the points of the ridges which bound the valley of the creek on the west for about two miles, when it leaves the creek and ascends a small branch which heads about $\frac{1}{2}$ a mile S. W. from Bedford. Immediately beyond the head of this branch is a large lime sink, into which a small branch discharges which heads near the N. W. corner of Bedford, and runs through the S. W. corner of the town: the line enters the valley of this branch, by means of a cut and follows it to the summit of the ridge; making the whole distance from White river 3.52 miles through which the line ascends uniformly with a grade of 45 feet per mile.

Besides the route surveyed, there are several others worthy of examination. One of these routes is down the valley of Sugar creek,

thence down White river to the mouth of Leatherwood. Another route passes more directly across the country from the summit of the ridge to a point in the route surveyed about $3\frac{1}{2}$ miles from the White river. Lastly, a route could be had by the way of Orleans, which is situated on the south face of the ridge between Lost river and White river.

From Orleans the route would again cross the ridge and intersect the route surveyed before reaching White river.

The last of those routes is inferior to any of the rest, in point of facility of transportation, but has for its recommendation the business which an additional point on the line would furnish, and the consequent advantage which the surrounding country would derive.

The estimates of this division contemplate curvatures of not less than 1000 feet radius; as well as grades in no instance exceeding 45 feet per mile.

The whole cost of this division for graduation, masonry and bridging, amounts to \$204,289 84; averaging, per mile, \$5,836 85.

FOURTH DIVISION.

From Bedford to Bloomington 23 miles.

From Bedford the line pursues a northwesterly direction, and cutting through the ridge upon which the town is situated, and which divides Leatherwood from Spider creek, it crosses the latter stream nearly at right angles; after which it crosses the ridge dividing Spider from Salt creek, by means of a deep cut, and enters the valley of a small branch which flows in a northwesterly direction and discharges into Salt creek. The line pursues the valley of this branch to Salt creek and follows the face of the bluff which bounds the latter on the S. W. side, to a point nearly opposite the mouth of Hart's creek. At this point the valley of Salt creek is contracted by bluffs which approach the stream on either side, which afford the most eligible point for crossing the creek.

The distance from the summit of the ridge near Bedford to the crossing of Salt creek, is 2.84 miles, through which the line descends with a grade of 50 feet to the mile.

After crossing Salt creek the line follows the valley of Hart's creek in a N. W. direction to its head.

After crossing Salt creek the line continues to descend with a grade of 50 feet per mile, for 0.57 miles, when it ascends uniformly with a grade of 45 feet to the head of the creek distant 3.67 miles. From the latter point the line takes a direction nearly north, and continues to ascend with grades less than 45 feet for 3.90 miles (with the exception of one stage of 3,200 feet in length and rising 45 feet per mile.) At the end of this distance the line attains an elevation above the lowest point in the valley of Hart's creek, of 234 feet.

From the latter point the line deflects to the N. E. and gradually approaches Clear creek, one of the branches of which heads near the

town of Bloomington, and flowing in a southerly direction, discharges into Salt creek 8 or 10 miles above the mouth of Hart's creek. In approaching the valley of Clear creek, the line descends with a grade of 45 feet for 3.63 miles, crossing several smaller branches on the way. At the end of this stage the line continues to descend to a point in the valley of Clear creek, through a distance of 0.681 miles, with a grade of 24 feet per mile.

About half a mile in advance of the latter point to the creek makes a rapid bend around the point of a rocky bluff, which projects across the general course of the creek and causes it to flow for more than half a mile to the east, when it again changes its course and flows to the west. Immediately opposite the point, where the creek first changes its course, is the head of a ravine, which flows in a south-easterly direction, and forms a narrow isthmus, consisting of limestone rock: the line passes directly across this isthmus, making a cut through the rock, to which point it descends with a grade of 45 feet for half a mile. Immediately after passing this point the line descends with a grade of 45 feet to the first crossing of Clear creek—distance 0.87 miles. The creek is crossed at this point with a bridge of a hundred feet span. One of the banks of the creek consists of limestone rock, nearly to the height of the bridge, and will with a little work form a substantial abutment.

From the first crossing of the creek, the line ascends with a grade of 45 feet for 0.42 miles, after which it continues to ascend the creek with easy grades for 9.77 miles, to a point not quite a quarter of a mile south of the south-east corner of the town of Bloomington.

To reach the latter point the line crosses Clear creek five times: in addition to which it crosses Jackson's Fork; making in all six bridges, four of which are of a hundred feet span—one of seventy-five, and one of fifty feet span. Four of these bridges have each one natural abutment.

From the point south of Bloomington, the line ascends with a grade of 45 feet to the termination of this division, distant not quite 1 mile.

This division admits of several changes which will tend to lessen the expense and improve the grades. The first of these changes is in descending from Bedford to the crossing of Salt creek, which may be effected with a grade not exceeding 45 feet per mile. To effect this, the line could descend the valley of Spider creek for about half a mile, to the Daugherty ferry road, thence in a direction parallel to the road, to the valley of Salt creek—thence up the valley of the creek to the crossing of the present survey: this would increase the distance about three quarters of a mile. Again, in place of descending, after entering the valley of Hart's creek, the line could commence to ascend immediately after crossing Salt creek, and thereby lessen the grade up to the head of Hart's creek.

After reaching the head of Hart's creek the route could traverse the high country to the west of Clear creek for a greater distance than the route surveyed, and descend to the valley of Clear creek, by means of two creeks, which head not far south of the residence of Wm. May. The most northern one of these creeks flows in a northeasterly direc-

tion, and discharges into Clear creek, not far above Ketcham's mill. It is possible that this route might save considerable expense, as well as a great portion of the curvature that necessarily occurs in the valley of Clear creek.

The whole cost of this division for graduation, masonry, and bridging amounts to

\$117,474 02

Averaging per mile

14,909 79

From Bloomington to Crawfordsville no survey has been made; but from a careful reconnoissance of the country, the following route was selected:

From Bloomington the route follows the valley of Griffith creek to Beanblossom; thence down the latter to the valley of the West Fork of White river; thence up the valley of the river to a point a short distance above Gosport, and opposite to the mouth of Indian creek, which discharges into the river on the west side.

Indian creek is about 5 miles in length and heads near the centre of the S. E. quarter of section 6, town 11 north of range 2 west, and discharges near the centre of section 32, of the same township. The route crosses the river at the mouth of this creek, and pursues the latter to its head.

Immediately north of the head of Indian creek is the valley of the Mill Fork of Eel river, which is upwards of 10 miles wide, and is formed by a flat marshy country, gently descending towards the stream on either side. The route crosses this valley nearly at right angles to its course, and reaches the summit of the ridge dividing Mill Fork of Eel from Limestone creek, about the centre of the N. W. quarter of section 29, of town 13 north, or range 3 west. From the latter point the route takes a direct course to the centre of the S. E. quarter of the N. E. quarter of section 12, of town 13 north, of range 4 west crossing Limestone creek and several of its branches in the way. From the latter point the route takes a northerly direction to the confluence of Deer creek, and Tolbert's branch, distant about 2 miles, crossing the Cumberland road about half way between the two points.

From the crossing of Deer creek the route follows the valley of Talbot's branch to the head of that one of its forks, which leads to a point about one-third of a mile, in a S. E. direction from the town of Green-castle. From the latter point the route takes a more westerly direction, and passes through the extreme S. W. corner of the town.

After passing through the town of Green-castle the route deflects to the N. E. and falls upon the face of the ridge which bounds the valley of the Walnut Fork of Eel river on the S. E. and following the face of this ridge for about 2 miles, it crosses the river at the mouth of Hall's branch, when it ascends the latter to its head, which is near the S. E. corner of the N. W. quarter of section 27 of town 15 north, of range 4 west: making the distance from the river to the head of the branch about 2½ miles. From the latter point the route may follow either the east or the west face of the ridge, dividing Big and Little Walnut, to the summit dividing Ramp creek and Walnut Fork of Eel: this is likewise a dividing point between the Wabash and White rivers. From the latter point near the S. W. corner of the east half of the N. E. quarter of section 24, of town 16 north, of range 4 west. From the latter point

the route takes a direct course to Crawfordsville, crossing Raccoon in the Way.

It is confidently believed that no part of this route will require a grade that will exceed the power of locomotive engines, and will not much exceed a grade of 45 feet per mile, if at all.

As it regards the cost of this portion of the route; that is from Bloomington to Crawfordsville, no accurate estimates can be furnished at this time; but it may safely be taken at one thousand dollars less per mile than the average cost per mile from Jeffersonville to Bloomington, since the general character of the country between the west fork of White river and Crawfordsville is that of a high table land, furnishing in many instances the cheapest possible location for a road.

CONSTRUCTION.

The adjoined estimates have been made for a road bed 24 feet in width, with side slopes for excavations and embankments of one to one and one and a half to one respectively.

The bridges over 30 feet span are on the plan of Lewis Wernwag's patent Rail Road Bridge: those not exceeding 30 feet span are on the simple platform plan.

In some instances where deep and wide valleys are crossed, and where the cuttings will not form the embankments, viaducts on a simple and durable plan have been estimated for.

The estimates for superstructure is for the flat bar rail, on which

* plan the cost of a single track for one mile will be			
22 tons iron rails $2\frac{1}{4}$ X 5-8	\$75		1,650 00
Splicing plates and screw-bolts 782 lbs. at 10 cts.			78 20
Rail scantling 6 by 5, 31,680 feet	26		823 68
1,760 sleepers	25 c.		440 00
Bearing timbers under sleepers 10,560	3		316 30
Excavating trenches do. 1,040 cubic yards	12		124 80
Dressing and notching sleepers	10		176 00
Laying sleepers and string pieces	15		264 00
3,520 wooden wedges	2		70 40
Fitting plates under joint and laying rail 2 cts. per yd.			35 20
Horse			300 00
			<hr/>
			\$4,279 08

SUMMARY.

1st Division	25 miles at	4,355 12	108,878 00
2d	" 18 "	9,201 99	165,637 95
3d	" 35 "	5,836 85	204,239 84
4th	" 28 "	14,909 79	417,474 02
106			\$896,279 81
106 miles superstructure single track			453,582 48
21 turnouts			7,828 77
			1,357,691 06
10 per cent. for contingencies			135,769 10
Total cost			\$1,493,460 16
Average per mile			14,089 24

The following table will exhibit the total amount of ascents and descents on the several divisions which have been surveyed.

	Number of feet perpendicular.	
	Ascents.	Descents.
From Providence to Salem	450	275
From Salem to Bedford	546	589
From Bedford to Bloomington	481	396
From Providence to Bloomington	1477	1260

EQUATED DISTANCE.

Assuming the weight of a locomotive engine to be $7\frac{1}{2}$ tons, equal to the weight of the Geo. Washington, one of the engines on the Philadelphia and Columbia rail road, which drew over 15 tons up a plane ascending 369 feet per mile, at the rate of 14 miles per hour: also taking the friction of one ton on a level at 8lbs. and the weight of the tender at 5 tons, we find that the Geo. Washington is capable of drawing 455.5 tons gross, on a level, or 450.5 deducting the tender, at the rate of 14 miles per hour. Again: if we take one half of this load, equal to 225.25 tons, and add the tender, we shall have 230.25 tons for its actual load, when its useful effect is reduced to one half of the useful effect of the engine upon a level. From this we find that the useful effect of the engine would be reduced one half, when ascending a plane, rising 17.9 feet per mile, or one in 295.4: in other words the rise of 17.9 feet is equal to lengthening the road one mile. Then, regarding descending parts of the road as level, we have the following equated distances:

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EXCAVATIONS. Cubic yards.				
Sections of 1 mile.		No. of yards.	Price.	Amount.
				No ya.
1	1,855	12	222 60	3.
2	19,899	13	2,588 87 21,	
3	12,012	15	1,801 80	48
4	64,874	15	9,731 10	
5	11,441	12	1,372 92 33	

for which he is entitled to my grateful acknowledgments.
In closing this report, it gives me no small degree of pleasure to ac-

SUMMARY.

1st Division	25 miles at	4,355 12	108,878 00
2d	" 18 "	9,201 99	165,637 95
3d	" 35 "	5,836 85	204,289 84
4th	" 28 "	14,909 79	417,474 02
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	106		\$896,279 81
	106 miles superstructure single track		453,582 48
	21 turnouts		7,828 77
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10 per cent. for contingencies			135,769 10
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	Actual length.	Equated length.
From Bloomington to Bedford	28 miles.	50.1 miles.
From Bedford to Salem	35	67.8
From Salem to Providence	18	33.3
From Bloomington to Providence	81	151.2

LOCOMOTIVE POWER.

Taking the performance of the Geo. Washington as a basis of calculation, the result will be 104.2 tons gross drawn up an ascent of 59.5 feet per mile, at the speed of 14 miles per hour. The same performance is also equal to 129.2 tons gross drawn up a plane ascending 45 feet per mile at the above speed. If from these we deduct 5 tons for the weight of the tender, and one third of the remainder for the weight of the cars, we shall have 66.1 tons of merchandize drawn up an ascent of 59 1.2 feet per mile: and 82.8 tons of merchandize drawn up an ascent of 45 feet per mile; in each case at the rate of 14 miles per hour.

The above results are greater than could be expected in practice, from a similar engine and such as could only be obtained under the most favorable circumstances.

The following is an extract from the report of H. R. Campbell on the West Philadelphia Rail-road.

"The locomotive engines on the Columbia Rail-road, which were manufactured by Mr. Baldwin of Philadelphia carry trains of 20 and 24 cars, containing, each, 3 tons of merchandize, up 45 feet grades at 10 to 12 miles per hour; while engines of English constructure, from the works of R. Stephenson, Esq. the celebrated engineer, carry upon the same road only 14 cars at the same rate of speed."

The consumption of fuel necessary to convey one ton one mile of the actual length of the road will probably vary, according to circumstances, from 0.75 to 1.50 lb. of good coal.

Taking all the circumstances into consideration, and contrasting the comparative benefits to be derived, between the construction of a rail road and a turnpike road upon this route, the result appears to me in favor of the former: more particularly when we take into consideration the future benefits to be derived from the amount of transportation which must accrue to this road from its termination at the falls of the Ohio; its probable connection with the Charleston and Louisville Rail-road, its communication with the Central canal and its probable extension through the State of Illinois to the Mississippi river.

In making the estimates of cost, I have been much assisted by the several polite favors, received from J. L. Williams, Principal Engineer on Canals, who has obligingly offered me any assistance in his power; for which he is entitled to my grateful acknowledgments.

In closing this report, it gives me no small degree of pleasure to ac-

knowledge the valuable assistance rendered by E. C. Turner, and Madison Dagger, Assistant Engineers, by whom the field duties have been performed with ability and perseverance. To David Hearsum I feel greatly indebted for the accuracy and despatch with which the estimates have been furnished.

Respectfully submitted,

R. H. FAUNTLEROY.

[Here follows table.]

Indianapolis, June 13th, 1837.

D. H. MAXWELL, ESQ.

Acting Commissioner Jeffersonville and Crawfordsville Road:

Sir—

The resolution of the Board of Internal Improvement, passed at their meeting in October last, directing a re-examination and estimate of the Jeffersonville and Crawfordsville road, has been complied with, in part, and in order that all the information I have been able to collect may be placed in your possession, I beg leave to make the following report:—

Knowing from the previous surveys made on the route that considerable difficulty would have to be surmounted, at least on parts of the line, my attention was first directed to the examination and determination of the grades and curves which would be admissible. In coming to a conclusion, on this subject, I have been governed by a comparison of the different roads in our country, and of the several experiments made on them, and have adopted, I believe, the highest or nearly so, when assistant engines are not used; I would not think it prudent to adopt a grade requiring the use of assistant locomotives, unless the tonage were much greater than can possibly be expected on this line for years to come. There is no line in the State, which I believe would justify it. The grades adopted as extremes, are fifty feet ascent to the mile, northward from New Albany, and forty-five ascent from the north towards New Albany. This difference is made, because it is to be expected that the transportation of heavy and gross materials must always be from the interior to the Ohio river, while the tonage from the river will be of lighter character. The least radius of curvation adopted, nominally one thousand feet, (991) the friction on curves of this character is not material; where the radius is much less it is seriously felt, unless conical wheels are used, which are objectionable, on account of the rapid wearing of the rails. A road constructed with the grades and curves described, I believe would be an efficient one. A locomotive on such a road, deducting twenty-five per cent. from experiments almost daily made, and adopting what seems to be their average power, would draw a train of cars weighing from seventy to eighty tons gross, at a speed of from twelve to 15 miles per hour.

This would probably be the extreme of daily tonage on this line, should it exceed this additional locomotives could be employed, each one carrying an equal amount of tonage.

With these premises, the location was commenced at New Albany about the 6th of April, the locating party being under the direction of Mr. Fauntleroy, the Resident Engineer, and has been prosecuted with

as much vigor as practicable as for as Salem. The result of this survey and examination is now presented to you.

The route from New Albany to Providence is one of remarkable easy character, following the valley of Silver creek, or near the valley, the whole distance. Its course is also very direct. This part of the road I have designated as the second division. From tabular statements (A) and (B), accompanying this report, a more minute and full understanding of the character and cost can be had, than can be given by any written description. From statement (A) it will be perceived that the total distance from New Albany to Providence, is 19.45 miles; that the total estimated cost of the graduation and masonry for the same, \$101,029 12, being an average cost per mile of \$5,194 29.—Statement marked (B), exhibits the grades per mile, the ratio of grade and the length of each grade—the signs, plus [X] signifying ascent, and minus [—] descent.

The third division commences at Providence, and extends to the west branch of Blue river at Salem, and is widely different in character from the second. A description of this country, need not be entered into as the general features of the ground has already been given in the report of Mr. Fauntleroy made to you last fall.

The estimate of cost on this division is heavy, it differs mainly from that made by Mr. Fauntleroy, from two reasons; one of which is that his survey was not an actual location. The other is, that much rock excavation will be encountered where it was not expected. Great care and pains have been taken to ascertain the nature of all the excavations on this division. Soundings were made on every cut between the two points, where the character of the cutting was not apparent, and the nature of the excavation ascertained. From these data the estimate has been made. Another cause of difference between the estimate made by Mr. Fauntleroy and the present one is this: he estimated for truss work across several deep valleys, I have estimated those places as embankment. Truss work is liable to strong objections, although the upper surface of such superstructure may be made perfectly water proof, yet the lower parts of the timbers must necessarily be much exposed to the weather, and are liable to a speedy decay. To protect these timbers properly, would, I think, amount to an expense full equal to that of making a regular bridge; the expense of which is generally about equal to an embankment of 30 feet in height. But I would prefer even at much greater heights making a solid embankment, inasmuch as the one is imperishable and the other will require frequent repairs, and perhaps a renewal every 12 or 15 years. The accompanying statement, marked (C), exhibits the length of each section, the character of the work required, and its cost in detail. From this statement, it will be perceived that the average estimated cost per mile of this division is \$32,610 02. It shows, also, an average cost from New Albany to Salem, of \$18,183 82 per mile, and an average cost from Jeffersonville to Salem, of \$19,405 60 per mile, without including contingencies. The road between Jeffersonville and New Albany being estimated at contract prices.

Statement marked D, is an exhibit of the grades on this division. Statement marked E, is an exhibit of the length of straight line, and of the different curves, with their radii. It is proper to remark in this place, that I believe the cost on a part of this line might be somewhat lessened. The little time had for the examination of the country, would not permit that scrutiny which is necessary on such occasions. Any change, however, that could be made, I do not think would materially affect the whole average cost. The location has not been extended further than Salem. I have, however, examined the whole or nearly the whole route from Salem to Bloomington, as traced last year, at least all places where difficulties presented themselves.

A brief description of the character of this part of the line is all that I can now give you. The remarks following, descriptive of the country, are generally extracted from my field book, and were made on the ground. From Salem to the summit of the ridge dividing the waters of the Sweeny branch of Highland creek and Mill Run, the country is rough; a great proportion of all excavations encountered will be of rock. This comprises a distance of about $5\frac{1}{2}$ miles; from that place for about twenty miles, no serious obstacle is presented, the excavations being generally of but little depth, will probably be of earth only. From the end of this stage however toward Bedford, the work will be of entirely different character. The face of the country is in many places rough in the extreme, particularly so from the bluffs of White river to Bedford.

On this part of the line much rock excavation must necessarily be encountered as well as the extremes of grades and curvatures.

Passing on from Bedford to Bloomington, the line as described in the report already referred to will be necessarily very expensive for the distance of about 6 miles, a distance then intervenes of nearly six miles, the character of which is light, and which presents no difficulties, from the end of that stage until we reach a point within about 5 miles of Bloomington, an exceedingly rough country is encountered, abounding in lime sinks and rocky bluffs.

The remaining distance to Bloomington is of easy character and presents no difficulty of importance. Having given the line between Salem and Bloomington all the examination that time would permit, and having compared the ground as far as possible with that actually measured and estimated, I have come to the conclusion that the cost of graduation and masonry cannot average less per mile, than that between New Albany and Salem.

This conclusion may be in error, but if error exists, I cannot now believe that it is an over estimate. It will be observed that the estimate made does not include in its average the cost of superstructure, this may be had by reference to my report made last winter, a copy of which I have not with me. It is proper further to remark, that I believe routes other than that examined may be found in several places between Salem and Bloomington, which would be more favorable than the one presented to you; but in coming to a conclusion on this subject, reference has been had to this probability.

Before closing this report, I beg leave to say, that I deem it due to Mr. Fauntleroy, who made the surveys and estimates last year, to explain further the cause of the great difference between his estimates and the present one. The time allowed him for his survey was very limited, the country being in a great measure unexplored, much of his time was necessarily spent ahead of his party. It was impossible that he could give that attention to the location which ought to be given, and which no doubt would have been given had more time been afforded him. It will be further recollected, that his survey was an experimental one and not a location, a survey made rather with a view of ascertaining the practicability of obtaining grades, than approximating to the actual cost of the work.

All of which is respectfully submitted,

H. M. PETTIT,
Principal Eng'r. on Rail Roads, &c.

A

AN EXHIBIT of the estimated quantities and cost of the Second Division of the Jeffersonville & Crawfordsville Rail Road—
The division commencing at the east boundary of the town of New Albany.

No. of Section.	Length of Sections in feet.	Length of grubbing in feet.	Cubic yards of ex- cavation.	Cubic yards of em- bankment.	No. of perches ma- sonry in drains.	No. of perches ma- sonry in culverts.	Lineal ft. of wooden superstructure.	Estimated cost of each section.
1	3360	1700	7,182	6,439	46			\$2451 22
2	4900	2200	25,336	20,814	173			8209 97
3	5000	4500	6,317	5,013	23			2458 05
4	4100	3500	7,570	6,690	76			2839 60
5	2200	1100	5,853	9,087	20	314		4466 06
6	4700	3800	5,657	6,003	73			2396 83
7	5300	3900	14,179	14,978	50	122		5658 94
8	4400	600	9,062	9,306				3139 14
9	3700	3100	6,446	6,417	83			2666 09
10	4000	4000	14,805	10,365	110			5587 55
11	2400	1100	12,624	12,593	28	315		5928 88
12	3300	2700	7,047	6,809	30	111		3254 72
13	4500	2900	9,275	9,879	114			3846 01
14	4800	2000	12,479	12,326	157			4698 52
15	3000	3000	16,432	11,736	132			6060 36
16	6100	4500	11,347	19,987	26	320		8765 41
17	4100	3300	3,190	9,089	100	50		3871 75

Total length of Division 19.45 miles,
Average cost per mile \$5,194 29.

B*TABLE of Grades from New Albany to Providence.*

Station of termina- tion.	Stages in miles and feet.	Ratio per 100 feet.	Grade per mile.	Station of terminat.	Stages in miles and feet.	Rain per 100 feet.	Grade per mile.
273					d. br up		
295	2200		level.				
320	2500	175	9.24	138 $\frac{1}{2}$	1200	30	15.84
346	2600	535	28.248	144	1200	55	2.904
376	3000	259	13.2	157	5200	225	11.88
400	2400	77	40.656	162	2000		level.
419	1900		level.	168 $\frac{3}{4}$	2700	36	19.008
439	2000	525	27.72	171 $\frac{1}{4}$	1000	91	48.048
462	2300	61	32.208	174	1100	45	23.76
in ru. l.							
17 $\frac{1}{4}$	1.2120	83	43.824	177 $\frac{1}{2}$	400	90	47.52
27	3900	06	3.168	181 $\frac{1}{4}$	500	61	32.208
36 $\frac{1}{4}$	3700	91	48.048	183	700	77	40.656
43 $\frac{1}{4}$	2800	855	45.144	194 $\frac{3}{4}$	4700	18	9.504
43 $\frac{3}{4}$	100		level.	193	1300	31	16.368
46 $\frac{1}{2}$	1200	95	50.16	199 $\frac{3}{4}$	700	95	50.16
48 $\frac{1}{4}$	700	855	45.144	200	100		level.
49 $\frac{1}{4}$	400		level.	201 $\frac{1}{4}$	500	79	41.712
53 $\frac{3}{4}$	1800	800	42.24	208 $\frac{1}{4}$	2800	41	21.648
61 $\frac{1}{2}$	3100	770	40.656	Total dis. 102,700 feet, or 19.45 miles.			
70 $\frac{3}{4}$	3700	30	15.84				
72 $\frac{1}{2}$	700		level.				
75 $\frac{1}{4}$	1100	885	45.144				
80 $\frac{1}{2}$	2100	26	13.728				
85 $\frac{1}{2}$	2000	555	29.304				
93 $\frac{1}{4}$	3300	78	41.184				
97 $\frac{1}{2}$	1500	07	3.696				
111 $\frac{1}{2}$	1.320	83	43.824				
120 $\frac{3}{4}$	3700	30	15.84				
123 $\frac{3}{4}$	1200	67	35.376				
130	2500	04	2.112				
135 $\frac{1}{2}$	2200	46	24.288				

AN EXHIBIT of the quantities and cost of work on the 3d Division of the Jeffersonville and Crawfordsville Rail Road, commencing at Providence and ending at Salem.

Section 1st—Length 5,800 feet.

15000 cubic yards of embankment (rock) at \$1 00	\$15,000 00
11,846 " " 25	2,961 50
46 perches drains 2 25	103 50
315 " culverts 5 00	1,575 00
	<hr/>
	\$19,640 00

Section 2d—Length 5,900 feet.

33,093 cubic yards embankment, at 50 c.	\$16,546 50
68,227 " " 28	19,103 56
523 perches drains 2 25	1,176 75
1,211 " culverts 5 00	6,055 00
4,100 feet grubbing 500 per mile	388 25
	<hr/>
	\$43,270 06

Section 3d—Length 2,800 feet.

11,362 cubic yards embankment, at 50 c.	\$5,681 00
73,128 " " 28	20,475 84
521 perches in drains 2 25	1,172 25
1,183 " culverts 5 00	6,918 15
1,700 feet grubbing 500 per mile	160 98
	<hr/>
	\$34,405 22

Section 4th—Length 3,600 feet.

17,544 cubic yards embankment (rock) at \$1 00	\$17,544
29,904 " " 50	14,952
8,761 " " 28	2,453 08
434 perches drains 2 25	976 50
800 " culverts 5 00	4,000
3,600 feet grubbing 550 per mile	375
	<hr/>
	\$40,300 58

Section 5th—Length 6,500 feet.

13,484 cubic yards embankment, at	33 c.	4,449 72
464 perches bridge masonry	5 00	2,320
100 feet wooden superstructure	40	4,000
113 perches drains	2 25	254 25
4,200 feet grubbing	750 per mile	596 59
		<hr/>
		\$11,620 56
		<hr/>

Section 6th—Length 5,800 feet.

3,806 cubic yards rock embankment, at	\$1 00	3,806
58,906 " earth	31	18,260 86
121 perches drains	2 25	272 25
880 " culverts	5	4,400 00
4,400 feet grubbing	800 per mile	666 66
		<hr/>
		\$27,405 77
		<hr/>

Section 7th—Length 4,300 feet.

10,223 cubic yards rock embankment, at	\$1 00	10,223
49,542 " earth	31	15,358 02
338 perches drains	2 25	760 50
3,800 feet grubbing	11 36 per 100 feet	431 68
		<hr/>
		\$26,773 24
		<hr/>

Section 8th—Length 3,700 feet.

1,401 cubic yards rock embankment, at	\$1 00	1,401
17,870 " earth	31	5,539 70
158 perches drains	2 25	350 50
400 feet grubbing	11 36 per 200 feet	45 44
		<hr/>
		\$7,341 64
		<hr/>

Section 9th—Length 5,800 feet.

21,027 cubic yards rock excavation, at	\$1 25	26,283 75
25,480 " earth	33	8,408 40
354 perches in drains	2 25	796 50
2,700 feet grubbing	11 36 per 100 feet	306 72
		<hr/>
		\$35,795 37
		<hr/>

Section 10th—Length 5,400 feet.

14,939 cubic yards rock embankment, at \$1	25	18,673	75
70,321 " earth "	33	23,205	93
358 perches in drains	2 25	805	50
1,200 feet grubbing	11 36 per 100 feet	136	32
		<u>\$42,821 50</u>	

Section 11th—Length 5,100 feet.

26,410 cubic yards rock embankment, at 1	25	33,012	50
94,094 " earth "	33	31,051	02
449 perches in drains	2 25	1,011	25
900 " in culverts	5	4,500	00
1,800 feet grubbing	11 36 per 100 feet	204	48
		<u>\$69,778 25</u>	

Section 12th—Length 5,100 feet.

12,964 cubic yards rock embankment, at 1	25	16,205	00
1,438 " earth "	75	1,078	50
113,258 " earth "	33	37,375	14
299 perches in drains	2 25	672	75
800 " bridge masonry	5 00	4,000	00
100 feet wooden superstructure	40	4,000	00
2,600 feet grubbing	11 36 per 100 feet	295	36
		<u>\$63,626 75</u>	

Section 13th—Length 6,900 feet.

15,548 cubic yards rock excavation at 1	25	19,435	00
14,906 " earth "	33	4,918	98
304 perches in drains	2 25	684	00
5,900 feet grubbing and clearing	11 36 per 100 feet	670	24
		<u>\$25,708 22</u>	

Section 14th—Length 5,400 feet.

5,788 cubic yards rock embankment at 1	00	5,788	00
26,242 " earth "	33	8,659	86
301 perches in drains	2 25	677	25
1,300 feet grubbing	11 36 per 100 feet	147	68
		<u>\$15,272 79</u>	

Section 15th—Length 6,300 feet.

4,328 cubic yards rock embankment, at	1 25	5,410 00
37,419 " earth "	33	12,348 27
147 perches in drains	2 25	330 75
943 " in bridge masonry	5 00	4,715 00
80 feet wooden superstructure	40	3,200 00
2,100 feet grubbing	11 36 per 100 ft.	238 56
		<u>\$26,242 58</u>

Section 16th—Length 5,400 feet.

3,163 cubic yards rock embankment, at	1 00	3,163 00
41,567 " earth "	33	13,717 11
310 perches in drains	2 25	697 50
720 " culverts	5 00	3,600 00
2,300 feet grubbing	11 36 per 100 feet	261 28
		<u>\$21,438 89</u>

Section 17th—Length 8,100 feet,

5,165 cubic yards rock embankment, at	1 25	\$6,456 25
118,451 " earth "	33	39,088 83
162 perches masonry in drains	2 25	364 50
2,449 " " in bridges	6 00	14,694 00

\$60,603 58

Total amount of 3d Division

\$69,044 69

Average cost per mile

32,610 02

Total cost from Albany to Salem

\$670,074 08

Average per mile from New Albany to Salem for
graduation and masonry18,183 82

Total cost from Jeffersonville to Salem

\$803,983 88

Average cost per mile on whole distance for gradua-
tion and masonry

19,405 60

Distance from Providence to Salem 17.40 miles.

Total distance from New Albany 36.85 miles.

do. do. from Jeffersonville 41.43 miles.

TABLE of Grades from Providence to Salem, commencing at the beginning of the 3d division of the Jeffersonville & Crawfordsville Rail Road.

Station of termination.	Stages in miles and feet.	Ratio per hundred feet.	Grade per mile.
15	1500	34	17.952
19	400	425	22.44
185	3760	95	50.16
196	1100	40	21.12
208	1200	24	12.672
236	2800	855	45.144
238	200	level	
245	700	32	43.296
246	100	level	
262	1600	35	18.48
269	700	54	28.512
418	2.1340	95	50.16
419	100	45	23.76
420	100	level	
610	3.2160	85	44.88
625	1500	95	50.10
641	1600	81	42.768
655	1400	88	46.464
670	1500	50	26.400
682	1200	89	46.992
697	1500	50	26.400
711	1400	44	23.232
715	400	91	48.048
726	1100	77	40.656
727	100	level	
741	1400	95	50.16
751	1000	04	2.112
758	700	82	43.296
783	2500	95	50.16
796	1300	85	44.88
806	1000	95	50.16
817	1100	20	10.56
822	500	10	5.28
867	4500	95	50.16
879	1200	23	12.144
909	3000	85	44.88
911	200	level	
919	800	95	50.16
17.2140			

AN EXHIBIT of the length of Straight Line, and of the different Degrees of Curvature of the Third Division of the Jeffersonville and Crawfordsville Rail Road.

No. of Sec'n.	Length of Sec.	Length of straight line.	Curve of radius	Curve of 3,274 rad.	Curve of 2,865 rad.	Curve of 2,546 rad.	Curve of 1,910 rad.	Curve of 1,763 rad.	Curve of 1,637 rad.	Curve of 1,528 rad.	Curve of 1,432 rad.	Curve of 1,206 rad.	Curve of 1,145 rad.	Curve of 1,041 rad.	Curve of 1,000 rad.
1	5,800	5,400				300	100								
2	5,900	2,100			800	400	1,300	400		100	100		800		1,500
3	2,800	1,100							100		1,400		100		
4	3,600	1,700	200	200							2,500				
5	6,500	2,600					1,400				800				800
6	5,800	3,600					600				400		1,600		
7	4,300	2,300									100		600		
8	3,700	1,800					1,200				1,400				
9	5,800	1,900			400		2,100		100		3,000			1,000	700
10	5,400	1,300			200		100				700				1,500
11	5,100	1,300					1,000				300				400
12	5,100	2,800					1,200				2,200	100			1,900
13	6,900	2,500					200				600				
14	5,400	3,800					1,000				2,400		700		1,600
15	6,300	1,500					100				400				2,500
16	5,400	2,500								100	600		300		4,500
17	8,100	2,500					100								
	91,900	40,700	200	200	1,400	700	10,400	400	200	200	16,900	100	4,100	1,000	15,400

40,700 total amount of straight line—51,200 total amount of curved line—10,500 difference.

GREENCASTLE, NOV. 28, 1837.

To J. L. WILLIAMS,

Principal Engineer of the State of Indiana:

SIR—

I have the honor to submit to you the following result of the survey, made under my supervision, on so much of the Jeffersonville and Crawfordsville Road as is embraced between the head of Brush creek and Crawfordsville.

This survey has been made with reference to a Rail road; a small portion of which, however, is equally applicable to a turnpike.

In directing this survey, I have been governed by the same general principles as were adopted by the Principal Engineer on roads, in the location of the second and third divisions of this road. That is to say: no grade has been adopted exceeding a rise of 50 feet to the mile, in the direction to Crawfordsville; and none greater than 45 feet ascent to the mile in the direction to Jeffersonville: while the least radius of curvature is 1000 feet.

For the convenience of reference, I have divided the line into two divisions, denominated the 7th and 8th, which are again subdivided into sections of convenient length.

The 7th division extends from Brush creek to Greencastle, and is 19.555 miles in length.

The 8th division embraces the country between Greencastle and Crawfordsville, and is 30.284 miles in length; making the whole distance from Brush creek to Crawfordsville 49.839 miles.

The principal difficulty to be encountered on the 7th division is at the crossing of Deer creek. The country on the south side of this stream maintains its elevation to within a short distance of the creek, when it descends too rapidly for the grade. To overcome this difficulty, it was thought proper to approach the creek through the valley of some one of its tributaries. Upon this principle two routes were examined, which led to the same point of crossing. The route estimated for, crosses the creek on a rock foundation, and at an elevation of 42 feet above the valley ground. Besides this, the crossing of Mill creek as well as that of Limestone, and the cut through the summit of the ridge at Greencastle, are comparatively large items in the estimates herewith submitted. With the exception of the above, the country included in this division presents no obstruction of importance.

The country embraced in the 8th division is yet more favorable, as well to grades and curvatures as to the cost of construction. The most expensive portion of this division reaches from Greencastle across the Walnut fork of Eel river to the summit of the country north of the same. The route from Greencastle to the bottom land of this river, takes a direction somewhat parallel to the course of the stream, crossing some of its smaller branches, which require embankments in two instances of about 26 feet in height. The cuts over this portion of the route contain in several instances limestone rock; in consequence of which I thought it prudent to incur embankments rather than encounter cuts of as great a depth as otherwise would have been proper.—

From the valley of the river to the summit of the country north, the line follows the valley of the Dry branch, occasionally cutting through the points which project into the valley of the same. After reaching the summit of the country north of Eel river, the route occupies the table land for the remainder of the distance to Crawfordsville.

In relation to the curvature throughout the route it is proper to remark that a portion of it may be superceded. For the want of time and a definite knowledge of the country, curves were frequently introduced where they may be dispensed with; while the radius of others may be increased. As the line is now traced about one fourth of its length consists of curves varying from 1,000 to 11,460 feet radius.

For the grades adopted I refer you to the accompanying tables marked C and D, which respectively exhibit the grades on the two divisions, the sign (x) signifying ascent and (—) descent in the direction of the survey. Tables marked A and B will exhibit the quantity of work to be done as occurs on the sections enumerated.

For the nature of the excavations throughout the distance embraced in this survey, it is only necessary to remark that the country generally consists of Diluvium, which covers the rock to a great depth except in a few instances where the rock seems to have been thrust out of its original position. From this cause good building stone will be difficult to be obtained on a large portion of the route; more particularly on the 8th division. Under this supposition I have placed such a price upon the masonry as I believe will cover the cost of brick, where stone cannot be obtained within reasonable distance.

With reference to routes different to the one surveyed, I would remark that the country seems to admit of others; more particularly between Greencastle and Crawfordsville, and would recommend several lines to be run before determining upon the location.

The following will exhibit the estimated cost of each division, the average per mile, as well as the gross cost of the whole route surveyed and the average per mile of the whole distance, graduated for a double track railway.

The 7th division, extending from Brush creek to Greencastle, distance 19.555 miles.		
428,929 yards of earth to be removed, at 30 cents		\$128,678 70
6,300 yards of rock to be removed at 85		5,355 00
14.98 miles of grubbing, at \$700 00		10,486 00
3,024 perches masonry in drains, at 2 50		7,560 00
1,236 perches masonry on culverts 7 00		8,652 00
9,690 cubic feet of timber in foundations 08		775 20
7,235 perches masonry in bridges, at 5 50		39,792 50
535 lineal feet of wooden superstructure 30 00		16,050 00
60 lineal feet of wooden superstructure 10 00		600 00
Total cost of this division		\$217,949 40
Averaging per mile		11,145 45

The 8th division extending from Greencastle to Crawfordsville; distance 30.284 miles.

509,603 yards of earth to be removed, at 33 cents	\$ 168,168 99
2,700 yards of rock to be removed, at 85	2,295 00
22.4 miles of grubbing, at 700 00	15,680 00
4,273 perches of masonry in drains 5 00	21,365 00
2,192 perches of masonry on culverts 8 00	17,536 00
17,718 feet of timber in foundations 08	1,417 44
1,506 perches masonry in bridges, at 8 00	12,048 00
300 feet of wooden superstructure 30 00	9,000 00
Total cost of this division	<u>\$247,510 43</u>
Averaging per mile	<u>8,172 97</u>

SUMMARY.

Total cost of the 7th division	\$217,949 40
Total cost of the 8th division	247,510 43

Amounting to the aggregate sum of	\$465,459 83
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Making an average cost per mile for graduation, masonry, and bridging for the whole distance, 49.839 miles, of

\$9,339 27

The time which I have at my command, will not allow me to furnish you an estimate of the cost of this part of the road, graduated with reference to a single track; but from the best judgment I can exercise on the subject, I am inclined to think the cost would not vary essentially from 7000 dollars per mile.

Previous to the last session of the Board of Internal Improvements, a random level was run and the distance measured from high water mark of White river, at the mouth of Indian creek to the head of the same, which was found to be upwards of five miles in length, and to rise about 200 feet, or at the rate of about forty feet per mile. This, together with the survey which forms the subject of this report and those previously made with reference to a railway, embrace the whole country from Jeffersonville to Crawfordsville, with the exception of a short distance down the valley of Beanblossom creek, and up the valley of White river, to the mouth of Indian creek. Thus demonstrating the important fact, that there is no part of the entire route of the road which will require a steeper grade than fifty feet to the mile.

Before closing this report, permit me to call your attention to the subject of a connection between this road and the rail road in Illinois, leading to the Mississippi river. In the event that a rail road should be constructed on this route, such a project would certainly be of great importance to the interests of this State as well as to that of the State of Illinois. It would secure to each a large amount of transportation

and travel which now, necessarily, finds its way through the medium of the Ohio and Mississippi rivers to some convenient points on those rivers, from which it reaches the interior of the State, often with great difficulty. Much could be said on this subject; but it wants but a moment's reflection for the imagination to realize the advantages of such a project, when we consider that this connection could easily be formed by a branch of this road from 35 to 45 miles in length.

Another matter of great weight presents itself as a motive for constructing a railway on this route. That is, the fact of its terminating at the falls of the Ohio river, opposite to the termination of the Charleston and Louisville rail road; thus forming a continued chain of improvements from Charleston, South Carolina, to the great Lakes of the North, as well as to the Mississippi river. Such a project would well befit a nation.

With these views I cannot but sanction a remark, but lately made by a distinguished citizen of South Carolina, "That this road should be one of the prominent works of the State;" and in the event a rail road should be preferred to a turnpike, I cannot but believe that it will in future time be viewed as a proud monument of the wisdom of the State.

All of which is respectfully submitted.

R. H. FAUNTLEROY,

Resident Eng. Jef. & Craw. Road.

A

AN EXHIBIT of the quantities on the 7th Division of the Jeffersonville and Crawfordsville Road, extending from Brush Creek to Greencastle.

No. of Section.	Length of Section in feet.	Cubic Yards of Excavation.	Cubic Yards of Embankment.	Total amount of earth to be removed in each sec.	Length of Grubbing in feet.	Masonry in drains in perches of 25 cubic feet.	Masonry in culverts in perches of 25 cub. feet.	Cubic feet of timber in foundations of culverts	Masonry in bridges in perches of 25 cubic feet.	Lineal feet of wooden superstructure in bridges.	REMARKS.
1	5,100	3,370	3,243	3,370	5,100	123			700	60	Brush Creek.
2	3,200	9,290	8,986	9,290	3,200	47					
3	4,700	10,974	10,890	10,974	4,700	107					
4	4,900	11,875	10,421	11,875	4,600	86					
5	5,700	17,795	17,753	17,795	2,800	236					
6	4,200	35,046	39,583	39,583	3,600	128				150	Mill Fork of Eel.
7	4,100	5,220	4,089	5,220	4,100	137					
8	5,000	6,822	6,797	6,822	5,000	163					
9	4,100	8,353	8,362	8,362	4,100	26					
10	3,300	4,212	4,602	4,602	3,300	115	121	1,400			
11	3,800	5,267	2,829	5,267	1,300	48					
12	6,100	38,137	37,521	38,137	4,500	82	351	2,580			
13	3,500	5,546	5,433	5,546	3,500	121	81	600			
14	4,300	14,837	14,523	14,837	3,300	244	227	1,280			
15	3,565	29,562	3,959	29,562	3,565	177					
16	2,350	10,057	9,493	10,057	2,050	155					

	5,200	32,345	35,747	35,747	1,800	213	216,158	5,000	885	Deer Creek.
17	5,685	14,450	70,448	70,448	5,080	128				
18	5,500	7,377	5,356	7,377	4,500	110				
19	5,000	31,566	31,088	31,566	3,800	62	164	1,650		
20	3,650	11,807	12,490	12,490	2,100	47	76	600		
21	2,900	6,399	8,602	8,602	1,800	31				
22	3,500	15,827	15,500	15,827	1,300	179				
23	3,900	25,573	13,458	25,573		259				
24	Rock }	6,300								
	103,250	368,007	381,173	428,929	79,095	3,024	1,236	9,690	7,235	595

B.
 AN EXHIBIT of the quantities on the 8th Division of the Jeffersonville and Crawfordsville Road, extending from Greencastle to Crawfordsville.

No. of sections.	Length of sections in feet.	Cubic yards of excavation.	Cubic yards of embankment.	Greater quantity of excavation or emb'kment.	Length of grubbing in feet.	Masonry in drains in perches of 25 feet.	Masonry in culverts in perches of 25 feet.	Cubic feet of timber in foundation of culv'ts	Masonry in bridges in perches of 25 ft	Lineal feet of wooden superstructure in bridges.	REMARKS.
1	5,1	7,712	29,390	29,390	1,0	492					
2	3,5	2,224	28,763	28,763	1,8	265	134	1,300			
3	4,2	6,371	29,508	29,508	2,2	330	102	1,200			
4	5,2	1,917	9,718	9,718		100					
5	4,9	164	16,279	16,279	1,4				706	150	Walnut fork of Eel.
6	3,5	13,532	53,118	53,118	2,0	164					
7	4,2	23,241	29,995	29,995	3,6	236	173	1,200			Dry Branch.
8	3,4	13,858	12,968	13,858	3,4	192					
9	4,6	7,832	7,667	7,832	4,6	199					
10	3,5	5,855	2,856	5,855	3,0	76					
11	4,3	12,035	6,021	12,035	3,2	159					
12	4,1	19,105	11,120	19,105	6	64	88	1,148			Tarbutton branch.
13	5,3	24,298	17,338	24,298	3,5	260					
14	5,1	5,104	6,205	6,205	3,9	75					
15	5,3	7,053	6,787	7,053	4,3	150					
16	4,6	17,291	20,750	20,750	4,6	132					
17	3,0	856	7,436	7,436	1,6	127					

18	5,000	15,083	18,863	18,863	5,000	56	428	3,100	Big Ramp creek and Little Ramp.
19	5,300	5,895	4,831	5,895	4,300	93	121	1,210	Henry's creek.
20	3,600	11,906	12,105	12,105	3,000				
21	2,400	3,925	3,211	3,925	2,400	91			
22	5,400	16,838	20,068	20,068	5,400	87	283	1,800	Lick creek.
23	5,600	15,151	17,775	17,775	3,400	105	263	1,500	Haw creek.
24	4,600	8,219	6,171	8,219	4,600	102			
25	4,600	11,230	13,568	13,568	3,400	77	111	1,260	150 Raccoon.
26	4,200	4,269	8,069	8,069	4,000	150			
27	4,200	6,606	6,272	6,606	4,200	77			
28	5,600	16,170	15,159	16,170	4,600		270	2,400	Cornstalk.
29	6,200	3,789	4,478	4,478	5,200	95			
30	5,200	2,611	2,237	2,611	5,200	46			
31	3,800	6,374	2,478	6,374	3,800	72	115	800	Offield's creek.
32	4,200	24,463	23,680	24,463	4,100				
33	4,800	4,553	4,730	4,730	2,600	23			
34	6,600	7,431	2,521	7,431	5,200	92			
35	4,800	7,055	6,163	7,055	3,200	86	77	800	Dry Branch.
							2,192	17,718	
159,900					340,016	468,298	509,603	118,300	4,273
							2,192	17,718	1,506
								300	

or 30,284 miles.

Section 1 contains 1,800 yards of rock excavation.

Section 3 do 900 do do

Total	2,700
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C.

TABLE exhibiting grades on the 7th Division of the Jeffersonville and Crawfordsville Road.

Grade per mile. Length of stages in feet.	Grade per mile. Length of stages in feet.	Grade per mile. Length of stages in feet.	Grade per mile. Length of stages in feet.	Grade per mile. Length of stages in feet.	Grade per mile. Length of stages in feet.	Grade per mile. Length of stages in feet.	
3600	6	1100	8	1500	41	500	34
2700	15	1800	26	100	level	1400	13
2300	level	1200	15	1400	15	1900	45
3900	48	900	2	2400	44	3900	50
1100	level	1100	21	100	level	400	46
1900	46	3600	50	1700	45	1650	24
200	5	1100	45	100	35	3600	46
1700	44	3000	19	11015	45	2100	11
1300	1	2900	50	385	level	2900	45
5200	45	900	38	600	46	2500	44
700	50	4100	45	5500	50		
200	level	100	level	1300	36		
6000	46	2200	41	1500	48		

D

TABLE exhibiting the grades on the 8th Division of the Jeffersonville and Crawfordsville Road.

Length of grade in feet.	Grade per mile.	Length of grade in feet.	Grade per mile.	Length of grade in feet.	Grade per mile.	Length of grade in feet.	Grade per mile.
6600	—44	7000	x39	2400	—24	2200	x46
4600	—37	5300	x10	2100	—1	1700	x28
1600	—29	2800	x35	3200	—40	3200	—1
1400	—40	1800	x22	1700	x27	4900	x1
2400	—21	2200	—24	4700	—28	5000	—13
800	x2	1000	x1	4200	x36	5400	—44
1300	x23	2800	—31	2100	—17	2500	x41
200	Level.	1400	x22	2700	x24	2700	—37
1000	—21	1000	x3	1800	—41	1700	x12
1000	Level.	9800	—44	1900	x1	2600	—32
3000	x40	900	Level.	2100	x31	1000	—11
700	x46	1500	x28	1200	—5	2100	—33
100	x24	2500	—14	2500	x50	1700	—12
13700	x50	2400	x23	1500	x2	1100	x36
1800	Level.	1800	x1	3600	—27		

Leave granted, on motion of Mr. Ewing,

Resolved, That the committee of Ways and Means be instructed to inquire into the expediency of so altering the law, entitled "an act to provide for an equitable mode of levying the taxes of this State," approved Feb. 8th, 1836; that no Board doing county business in determining the per centum to be levied for the purposes of raising county revenue, shall in any case, levy the same to an amount that shall exceed double the amount levied in the said county for state purposes, for the same year, that instead of, as at present, vesting said Boards with a dangerous discretion by which they may levy an oppressive tax, they shall be restricted and limited as above stated.

Mr. Dunning offered the following resolution:

Resolved, That the Board of Internal Improvements be respectfully requested to lay before the Senate at as early a time as convenient, the documents called for in a resolution formerly adopted by the Senate calling on said Board for said documents.

Mr. Sigler moved to amend by inserting "and also the documents of the Jeffersonville and Crawfordsville road—which was agreed to.

The resolution was then adopted.

Mr. Little gave notice that he would on Monday next move to amend the Standing Rule of the Senate so that the Senate will, on their first adjournment, each day, adjourn until 9 o'clock next morning, during the present session.

On motion of Mr. Ewing,

Resolved, That the committee on Canals and Internal Improvements be instructed to inquire into the expediency of so altering the law relative to the sale and time of payment of the Wabash and Erie Canal Lands, as to allow purchasers and owners of the same to pay up any portion of the principal that may be due on their lands at the same time they are required to pay in the interest—viz. at some stated time in each year, and to report by bill or otherwise: Provided that no other sums than the following shall be so received, to wit, the 1st, the 2^d, the 3^dths on the whole of such amounts as may be due on their respective and several tracts of land.

On motion the Senate adjourned.

2 o'clock, P. M.

Senate Assembled.

The President laid before the Senate a communication from the State Board of Internal Improvements in answer to a resolution of the Senate, requesting information therein contained.

On motion, ordered that 200 copies be printed, and that it be referred to a select committee composed of Messrs. Dunning, Daily, Tuley, Hackett, Thompson of L., Dobson, Sigler, and Beard.

The following message was received from the House of Representatives by Mr. Elliott their Clerk.

MR. PRESIDENT—

The House of Representatives have concurred in the amendment of the Senate to the resolution of the House appointing a select committee of three on the part of each House, to examine the archives of this State, with an amendment, by striking out "until" preceding the words "the year 1828," and insert "from." In which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

Ordered, That the secretary inform the House of Representatives thereof.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills of the House, entitled,

No. 3, an act to amend the act incorporating the Aurora and Napoleon Turnpike Company, and to legalize the proceedings of the Board of Directors of said company.

No. 9, an act legalizing the election of Seminary Trustees in Hancock county.

No. 12, an act to vacate part of Solomon Romig's addition to the Town of Lafayette.

No. 17, an act to declare a misprint.

No. 27, an act to authorize the Commissioners of Kosciusko county to recover certain amount of the three per cent. fund heretofore appropriated to that county.

No. 22, an act to legalize the acts of Moses Gray as recorder of Scott county.

No. 28, an act on the subject of appropriations of the three per cent. fund heretofore appropriated to Orange county.

No. 29, an act authorizing the sale of a certain School House and Lot in the county of Washington.

No. 31, an act to change the name of the town of Middletown to that of Ogden.

No. 33, an act appropriating a part of the three per cent fund in the county therein named.

No. 34, an act for the relief of Joseph Wells.

No. 37, an act to amend the 16th section of an act relating to State roads, approved Feb. 6, 1837.

No. 38, an act to incorporate the Marion Fire Engine Company.

No. 42, an act to repeal an act entitled an act to provide for opening and repairing public roads and highways in the county of Clay, approved Feb. 2d, 1837.

No. 44, an act to incorporate the Lagro and Wabash Bridge Company.

No. 48, an act to repeal an act entitled an act relative to the jurisdiction and duties of Justices of the Peace in Clay county.

No. 50, an act regulating the jurisdiction of Justices of the Peace in Morgan county.

No. 51, an act granting additional time for the collection of revenue in Porter county.

No. 53, an act declaring Big Raccoon, in the county of Parke a public highway.

No. 54, an act re-appropriating a portion of the three per cent fund appropriated in Dearborn county, by an act approved Feb. 4, 1837.

No. 57, an act for opening and repairing public roads and highways in Hancock county.

No. 58, an act to amend an act entitled an act to appropriate a part of the three per cent. fund in the county Bartholomew, approved Feb. 3d, 1837.

No. 59, a joint resolution respecting the extension of the Franking privilege.

No. 60, an act to amend an act entitled an act to provide for distributing so much of the Surplus Revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d June, 1836.

No. 71, an act for the relief of John Carmichael.

In which the concurrence of the Senate is respectfully requested.

The House of Representatives have also passed an engrossed bill of the Senate,

No. 23, an act to change a part of a State road therein named—without amendment.

The Speaker of the House having signed enrolled bills of the House of Representatives, entitled,

No. 7, an act to amend an act entitled an act to appropriate the three per cent fund in certain counties therein named, approved February 4th, 1837.

No. 23, an act for the relief of Ezra M. Jones.

I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed enrolled bills of the House of Representatives No. 7, and No. 23, they were handed to the committee to be presented to His Excellency the Governor for his approval and signature.

Bill No. 3, entitled "a bill to amend the act incorporating the Aurora and Napoleon Turnpike Company and legalize the proceedings of the Board of Directors of said company, which being read, on motion of Mr. Watts, the rules were dispensed with, the bill read a 2d time and referred to a select committee composed of Messrs. Watts, of D., Smith, and Morgan of D.

Bill No. 9, entitled "a bill to legalize the election of Seminary Trustees in Hancock county, being read, was, on motion, the rules being dispensed with, read a second time, and ordered to pass to a third reading on Monday.

Bill No. 12, entitled a bill to vacate part of Solomon Romigs addition to the town of Lafayette, being read, was on motion, the rules be-

ing dispensed with, read a second time referred to a select committee of Messrs. Clark, Ewing and Finch.

Bill No. 17, entitled a bill to declare a misprint, being read, was ordered to a 2d reading on Monday.

Bill No. 27, entitled a bill to authorize the commissioners of Kosciusko county, to recover certain amount of the three per cent. fund, heretofore appropriated to that county, being read, was on motion of Mr. Baird, the rules being dispensed with, read a 2d time, and referred to Messrs Baird, Crawford, and Cathcart.

Bill No. 22, entitled an act to legalize the acts of Moses Gray, as Recorder of Scott county, being read, was on motion of Mr. Hoagland, the rules being dispensed with, read a 2d time and referred to a select committee of Messrs. Hoagland, Daily, and Dunn.

Bill No. 28, entitled a bill on the subject of appropriation of the 3 per cent fund heretofore appropriated to Orange county, being read, on motion of Mr. Chambers, the rules being dispensed with, was read a second time, ordered to pass to a third reading on Monday next.

Bill No. 29, a bill authorizing the sale of a certain School House and Lot in the county of Washington, being read, was on motion of Mr. Hackett, the rules being dispensed with, read a 2d time and referred to Messrs Hackett, Little, and Vawter.

Bill No. 31, entitled a bill to change the name of the town of Middletown to that of Ogden, which being read, on motion of Mr. Stanford, the rules were dispensed with, the bill was read a third time now and passed.

Bill No. 33, a bill appropriating part of the three per cent fund in the county therein named, which being read, on motion of Mr. Cathcart, the rules were dispensed with, the bill read a second time and referred to a select committee of Messrs Cathcart, Colerick, and Crawford.

Bill No. 34, a bill for the relief of Joseph Wells, which being read, was on motion of Mr. Chambers, the rules being dispensed with, read a second time, the rules being further dispensed with, the bill was read a third time and passed.

Bill No. 37, a bill to amend the 16th section of an act relating to State roads, approved Feb. 6th, 1837, which being read, was ordered to a 2d reading on Monday.

Bill No. 38, an act to incorporate the Marion Fire Engine Company, which being read, was on motion of Mr. Brady, the rules being dispensed with, read a second time and referred to the committee on Corporations.

Bill No. 42, a bill to repeal an act entitled an act to provide for opening and repairing public roads and highways in the county of Clay, approved February 2d, 1837, which being read, was passed to a second reading on Monday.

Bill No. 44, an act to incorporate the Lagro and Wabash Bridge Company, which being read, was on motion of Mr. Bell, the rules being dispensed with, read a 2d time and referred to the committee on Corporations.

On motion of Mr. Thompson of P, Mr. Bell was added to the committee on Corporations.

Bill No. 48, a bill to repeal an act relative to the jurisdiction and duties of Justices of the Peace in Clay county, which being read, was ordered to a second reading on Monday.

Bill No. 50, an act regulating the jurisdiction of Justices of the Peace in Morgan county, which being read, was on motion of Mr. Stafford, the rules being dispensed with, read a second time now.

On motion, laid upon the table.

Bill No. 51, a bill granting additional time for the collection of Revenue in Porter county, which being read, was ordered to a 2d reading on Monday.

Bill No. 53, an act declaring Big Raccoon, in the county of Parke a public highway, which being read, was on motion of Mr. Sigler, the rules being dispensed with, read a 2d time.

On motion, the bill was laid upon the table.

Bill No. 54, an act to re-appropriate a portion of the three per cent fund appropriated in Dearborn county, by an act approved February 4, 1837, which being read, was on motion of Mr. Watt, the rules being dispensed with, read a second time and passed to a 3d reading on Monday.

Bill No. 57, an act for opening and repairing public roads and highways, in Hancock county, which being read, was on motion of Mr. Bell, the rules being dispensed with, read a second time, and on motion laid on the table.

Bill No. 58, an act to amend the act entitled an act to appropriate part of the 3 per cent. fund in the county of Bartholomew, approved Feb. 3, 1837, which being read was passed to a 2d reading on Monday.

Joint Resolution No. 59, respecting the extension of the franking privileges, being read, was on motion of Mr. Brady, the rules being dispensed with, read a 2d time, when Mr. Clark moved to amend by striking out the words "and to the Governor of the several States," which was agreed to.

The rules were then further suspended, the resolution read a third time and passed as amended.

Bill No. 60, an act to amend an act entitled an act to provide for distributing so much of the Surplus Revenue of the United States, as the State of Indiana may be entitled to receive by virtue of an act of Congress, approved 23d June, 1836, which being read, was on motion of Mr. Smith, the rules being dispensed with, read a 2d time and referred to a committee on Education.

Bill No. 71, an act for the relief of John Carmichael, which being read, was passed to a 2d reading on Monday.

The bills No. 31 and 34, having passed the Senate,

Ordered, That the Secretary inform the House of Representatives thereof.

The President laid before the Senate a communication from the Indiana Mutual Fire Insurance Company.

Which was referred to the committee on Corporations.

Mr. Ewing presented a bill No. 53, entitled a bill to establish a State road, from Logansport to Augusta the county seat of Noble county.

Which being read was on motion, the rules being dispensed with, read a 2d time, on motion of Mr. Clark, the rules were further dispensed with, the bill read a third time and passed.

And on motion the Senate adjourned.

MONDAY MORNING, JAN. 1st, 1838.

Senate assembled.

According to previous notice, Mr. Little offered the following resolution:

Resolved, That the first standing rule of the Senate be so amended, that when the Senate adjourns at noon on each day, it will adjourn until 9 o'clock next morning during the present session.

Mr. Stanford moved to lay it on the table,

Which was not agreed to;

The question then was, shall the resolution be adopted?

The ayes and noes being called for,

Those who voted in the Affirmative were,

Messrs. Baird of St. J., Bowen, Bradbury, Brady, Cathcart, Chambers, Colerick, Daily, Dunning, Elliott, Ewing, Finch, Hackett, Kennedy, Little, Mitchell, Morgan of R., Mount, Puett, Sigler, Stafford, Turman, Thompson of J., Thompson of P., Trask, Tuley, Walker, Watt of U. and Vawter—29.

Those who voted in the Negative were,

Messrs. Beard of M., Bell, Casey, Clark, Cole, Crawford, Dobson, Dunn, Green, Hoagland, Moffitt, Morgan of D., Smith, Stanford, Stewart, and Watts of D.—16.

So said resolution was adopted.

Mr. Stanford from the Committee on enrolled bills now reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bill of the Senate No. 23, entitled an act to change a part of a state road therein named and find the same truly enrolled.

Mr. Ewing from the joint committee on enrolled bills now reports:
Mr. PRESIDENT—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor, for his approval and signature bills of the following titles, to-wit:

No. 23—An act for the relief of Ezra M. Jones;

No. 7—An act to amend an act entitled an act to appropriate the three per cent. fund in certain counties therein named, approved Feb. 4, 1837.

Mr. Baird presented a petition from L. H. Maxin and others on the subject of the Michigan road, which

On motion of Mr. Baird was referred to the same committee to which was referred the report of the survey and estimates of the Michigan road;

On motion of Mr. Baird, Messrs. Cathcart and Cole were added to said committee.

Took up from the files of last session and leave granted Mr. Kennedy presented a petition from Isaac Wood and others, praying the construction of a turnpike road from Richmond to Fort Wayne, which was referred to the committee on roads.

Mr. Stafford presented a petition from John Hodges and others, praying the passage of an act for the formation of Union district &c. &c.;

Which was referred to the committee on education.

Mr. Watts of D. presented a remonstrance from citizens of Dearborn, he also moved to take from the table a petition from Thomas Ewbank and others on the same subject, and was, on his motion referred to the committee on education.

On motion of Mr. Baird of St. Joseph,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of allowing Associate Judges a reasonable compensation for all their extra services, when not holding court, such as granting writs of injunction, habeas corpus, taking acknowledgements of deeds, making out certificates, &c., with leave to report by bill or otherwise; and also inquire into the propriety of allowing president judges a reasonable compensation for their extra services, such as taking acknowledgements, making out certificates, &c. with leave to report by bill or otherwise.

On motion of Mr. Cathcart,

Resolved, That the State Board of Internal Improvement be requested to furnish the Senate with a statement of the costs of all kinds, incidental upon the prosecution of the public works under their charge up to this time as near as convenient, other than the amount of contract prices, specifying the amount paid and the amount due under the following heads, namely:

- 1st. For services of the Board and expenses of the same.
- 2d. For services of Engineers and expenses of the same.
- 3d. For services of Assistants to Board and Engineers, and expenses of the same.
- 4th. Any amount or amounts paid or due for any item or items not under the three last heads, but within the range of inquiry or purview of the first part of this resolution.

Mr. Mitchell offered the following resolution:

Resolved, That the committee on canals and internal improvements be requested to inquire into the expediency of reporting a bill, which by its provisions, will direct the board of public works to confine their operations upon the public works and the expenditure of the public money upon those works most likely to be soonest prepared to return a revenue to the State, and in a continuous route from their outlets without wishing or expressing any desire for classification, or any breach of public faith.

Mr. Kennedy proposed to amend, by adding, "and that the committee inquire into the expediency of reporting a bill directing the board to carry out the system of 1836, without any lopping off or legislating."

Mr. Smith proposed the following amendment to the amendment: "and that it shall be the duty of the committee to report a bill, making it the duty of the board of public works to change the construction of the Madison and Lafayette rail road, to a McAdamized road, and that they shall cause a re-survey to be made between Madison and Indianapolis on the Michigan Road, and if the estimates are less on that route, and equally promotive of the public good, then it shall be the duty of the board to make the further lettings on that route, with a view to the construction of a McAdamized road.

And on motion, the resolution, with the amendment, was laid on the table.

On motion of Mr. Clark,

Resolved, That the committee of revision be instructed to inquire into the expediency of amending the school law in the following particulars, to wit: to provide that township trustees, township clerk, and treasurer, the district trustees, clerk and treasurer, be paid a reasonable compensation for their services—to authorize the township trustees to appoint a suitable person to enumerate the pupils in all districts of the townships, whether organized or unorganized, so as to enable a proper dividend of the school funds to be made, and that the township trustees be authorised to make such person a suitable compensation for his services—to dispense as far as practicable, with all the oaths and certificates, now required by law, before the school fund can be disbursed for the support of schools—to prescribe the manner of conducting elections, instead of referring to the act regulating general elections.

The following message was received from the governor, by Mr. Maguire, his private secretary.

Mr. PRESIDENT—

I am directed by the governor to inform the Senate, that he has approved and signed an act entitled,

An act authorizing the sale of certain school lands therein named, and for other purposes; which originated in the Senate;

And also acts of the following titles, which originated in the House of Representatives, viz:

An act to amend an act to appropriate the three per cent. in certain counties therein named, approved Feb. 4, 1837; and

An act for the relief of Ezra M. Jones.

Mr. Ewing, from the joint committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills, report that they did this day report to his excellency the Governor for his approval and signature, a bill of the following title, to wit:

No. 39—an act authorizing the sale of certain school lands therein named, and for other purposes.

Leave being granted, Mr. Colerick presented a bill, No. 54, to correct a misprint, and to legalize the location of a State road from Munceytown to Fort Wayne; which being read, was ordered to a second reading on to-morrow.

Mr. Trask presented a bill, No. 55, entitled, a bill locating a State road from Delphi to Marion; which being read, was

On motion of Mr. Trask,

The rules being dispensed with, read a second time now, and ordered to be referred to the committee on roads.

Mr. Smith presented a bill, No. 56, entitled, a bill to enable the school commissioner of Ripley country to do certain acts; which being read, was

On motion of Mr. Smith,

The rules being dispensed with, read a second time now—the rules being further dispensed with, the bill was read a third time now and passed.

Mr. Thompson of P. presented a report from the Leavenworth saving institution; which, on motion was laid on the table.

Mr. Morgan moved that the order of business adopted in the Senate be so altered, as that the committee of revision should be inserted in the place of unfinished business.

Mr. Clark moved to insert the committee of revision, at the head of the printed orders of standing committees; which was accepted, and the motion was adopted as amended.

Mr. Hoagland from a select committee, now reports,

Mr. PRESIDENT—

The select committee to whom was referred the petition of the citizens of Scott county, praying a change in the mode of doing county business in said county, have had the same under consideration, and have directed me to report the following bill—

No. 57, entitled, a bill to authorize the qualified justices of the peace in the county of Scott to constitute the board doing county business therein; which being read, was,

On motion of Mr. Hoagland,

The rules being dispensed with, read a second time; and

On motion of Mr. Clark, referred to the committee on revision.

Mr. Morgan of R. announced to the Senate a request of the president for leave of absence, which was granted.

Mr. Hackett from a select committee, made the following report:

Mr. President—

The select committee to which was referred a bill, No. 29, of the House of Representatives, entitled, a bill authorizing the sale of a certain school house and lot in the county of Washington, have, according to order, had the same under consideration, and have instructed me to report the said bill to the Senate, without amendment, and recommend its passage.

On motion of Mr. Clark,

The bill was read a third time and passed by consent.

Leave being granted, Mr. Baird of St. Jos. from a select committee, now reports:—

Mr. President—

The select committee to whom was referred a bill of the House of Representatives, entitled, a bill to authorize the commissioners of Kosciusko county to recover certain amounts of the Three per cent. Fund heretofore appropriated to that county, have had the same under consideration, and directed me to report the same back without amendment.

On motion, the bill was read a third time and passed.

On motion of Mr. Little,

Resolved, That the Senate proceed to the election of a president pro tem., instantly;

Whereupon the Senate proceeded to said election; Messrs. Sigler and Elliott acting as tellers:

And on counting the votes on the first balloting, it appeared that Amaziah Morgan received

36 votes.

Scattering

9

Amaziah Morgan having received a majority of all the votes given, was declared duly elected president of the Senate pro tempore, and was accordingly conducted to the chair, by Messrs. Vawter and Hackett.

On motion, Senate adjourned.

TUESDAY MORNING, JAN. 2, 1838.

Senate assembled.

Mr. Kennedy presented a petition from Richard E. Atkinson, praying the location of a state road, commencing at some suitable point on the state road leading from Richmond to Logansport, running from thence to Fort Wayne;

Referred to the same select committee to which was referred the petition of J. J. Williams and others.

Mr. Baird presented a petition from Alonzo Delano and others, praying an act to incorporate the Mishawaka Iron and manufacturing Company;

Referred to the committee on corporations.

Mr. Mount presented a petition from O. H. Neff and others, praying a location of a state road leading from the town of Laurel, Franklin county, to the town of West Union, Fayette county;

Referred to the committee on roads.

Mr. Stewart presented a petition from Nathaniel B. Oliphent and others, praying the location of a state road therein named;

Referred to a select committee of Messrs. Stewart, Casey and Thompson of P.

Mr. Mount presented a petition from John D. Howland and others, praying the location of a state road, running from the crossing of the Oxford road and the west fork of White river, to the mouth of Deer creek;

Which was read and laid upon the table.

Leave being granted, Mr. Vawter introduced the following resolution:

Resolved, That the sergeant-at-arms be directed to furnish the Board of Internal Improvement with thirty copies of each and every document, ordered by the Senate to be printed, that is or may be connected with the general system of internal improvement;

Which was adopted by consent.

Mr. Mount presented a petition from James Conwell and others, praying an act to incorporate the Laurel Franklin county Bridge Company;

Referred to the committee on corporations.

Mr. Mitchell from the committee of revision, made the following report:

Mr. PRESIDENT—

The joint committee of revision on the part of the Senate, have instructed me to present the following resolution for the consideration of the Senate:

Resolved, That the committee of revision be authorized to employ as many clerks as they may deem expedient for the purpose of enabling them to progress rapidly with their business.

Mr. Sigler moved to amend by adding after the word expedient "to be elected by the Senate." Not agreed to.

Mr. Morgan of D. moved to amend by inserting "that said committee shall not allow more than three dollars per day for each clerk employed;"

Which was not agreed to.

The question then was shall the resolution be adopted? The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of Montgomery, Bell, Bowen, Bradbury, Casey, Cathcart, Chambers, Clark, Cole, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Kennedy, Little, Mitchell, Morgan of D., Morgan of R., Mount, Sigler, Smith, Safford, Turman, Thompson of J., Thompson of P., Trask, Tuley, Walker, Watts of D. Watt of U., and Vawter—37.

Those who voted in the negative were,

Messrs. Brady, Crawford, Hoagland, Puett, Stanford, Stewart, and Thompson of L.—7.

So said resolution was adopted.

Mr. Trask from a select committee reports:

Mr. PRESIDENT—

The select committee to which was referred a bill No. 43, to alter and define the boundaries of Grant county, have had the same under consideration, and directed me to report the same back to the Senate without amendment.

On motion, the bill was laid on the table.

Mr. Hoagland from a select committee reports:

Mr. PRESIDENT—

The select committee to which was referred the bill No. 22, of the House, entitled a bill to legalize the acts of Moses Gray as recorder of Scott county, under the appointment of the associate judges of said county, have examined the same, and have directed me to report it to the Senate without amendment.

On motion of Mr. Hoagland, the bill was read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. President—

The House of Representatives have passed an engrossed bill of the House, entitled,

No. 11—An act for the relief of Jonathan Parks;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed an enrolled bill of the Senate,

No. 39—An act authorizing the sale of certain school lands therein named and for other purposes;

I am directed to bring it to the Senate for the signature of its President.

The House of Representatives have concurred in the amendment of the Senate to the engrossed joint resolution of the House,

No. 59—A joint resolution respecting the tracking privilege.

Bill No. 11, entitled a bill for the relief of Jonathan Parks, mentioned in the message being read, was,

On motion of Mr. Mount, the rules being suspended, read a 2d time now, and ordered to a 3d reading on to-morrow.

The Senate then resumed the orders of the day.

Bill No. 4, entitled a bill to amend the act for the appointment of trustees to receive deeds for lots or lands, given for school, meeting houses and masonic lodges; which being read a 3d time,

Ordered, To be laid on the table.

Bill No. 10, entitled a bill to establish a state road from Jamestown, in Elkhart county, to Plymouth, in Marshall county, and to the Fort Wayne state road near Jacob Burkets, in St. Joseph county;

Which being read a 3d time, was passed by consent.

No. 20, a bill to locate a state road from Indianapolis, Marion county, through Johnson and Shelby counties, to Shelbyville in Shelby county;

Which being read a 3d time, was passed by consent.

No. 21, a bill relative to changing the mode of electing a commissioner of the 3 per cent. fund in the county of Daviess;

Which being read a 3d time, was passed by consent.

No. 22, a bill changing a part of the Vernon and Greensburgh state road;

Which being read a third time, was passed by consent.

No. 28, a bill on the subject of appropriation of the 3 per cent. fund heretofore appropriated to Orange county;

Which being read a 3d time, passed by consent.

No. 34, a bill regulating the fees of grand and petit jurors;

Which being read a 3d time, was,

On motion of Mr. Clark. referred to the joint committee of revision.

No. 31, a bill to amend the 42d section of an act entitled an act relating to state roads, approved Feb. 6th. 1837;

Which being read a 3d time, passed by consent.

No. 35, a bill to locate a state road from Cambridge City to Fort Wayne;

Which being read a 3d time, passed by consent.

No. 42, a bill to locate a state road therein named;

Which being read a 3d time, passed by consent.

On motion, the Senate adjourned.

WEDNESDAY MORNING, JAN. 3, 1838.

Senate assembled.

The President laid before the Senate, a communication from the President of the State Bank of Indiana,

Which was referred to committee on State Bank.

Ordered, That 500 copies be printed.

STATE BANK, Dec. 29, 1837.

To the Senate of Indiana:

In obedience to a resolution of the Senate on the subject of locating the 12th branch of the State Bank, and requiring the opinion of the undersigned as to the business transactions of the north part of the state, the following is respectfully submitted: First, copies of the reports of examinations made: 2d, proceedings of the Board: 3d, opinions as to what ought to be done in the north, and what the board will be willing to do.

"Minutes of an examination of the 12th Branch District, commenced at South Bend the 9th May, 1836. This town is situated on the S. W. bank of the St. Joseph, on a plain elevated about 40 feet above the river, 80 miles from Fort Wayne, 134 from Maumee Bay, 35 from the mouth of the St. Joseph, 28 from Laporte, 36 from Michigan City, and 175 from Detroit. The town has about fifty two story houses, 125 one story houses, stores and shops, and 800 inhabitants. There is a steam saw mill near the town, and two large ware houses at the river. A bridge is to be erected across the river this season and a dam, and race and lock on the other side, where iron works and mills of different descriptions are to be erected by Messrs. Fellows and Co., of Geneva, N. Y. In the county are several other towns, the principal of which is Mishawaka, 4 miles east of South Bend on the St. Joseph, containing about 60 houses, built with much taste. There is at this place, a fall in the river of about five feet, from which by a wing dam and race, the water is used by a gristmill, with two pair burr mill stones and calculated for six pair, a sawmill and an extensive furnace, at which it is calculated, 400 tons of castings may be made annually. There are also to be erected at Mishawaka, a forge for bar iron and

extensive smith shops for edge tools by water power. It is also expected that a six feet dam will be thrown across the St. Joseph this season, and that on the opposite side of the river, there will shortly be erected a grist and sawmill and cotton factory, by Messrs. Lawrence & Battell. These works, together with a bridge across the river, must make the vicinity of Mishawaka of great importance. The supplies of iron ore are said to be inexhaustible, and large quantities are now delivered at the works at one dollar per ton. The St. Joseph rises but little more than 4 feet above its lowest stage. At this time, it appears to be 3 or 400 feet in width, generally flowing between high banks on both sides. It can usually be navigated by steam boats to Mishawaka and by keel boats 50 miles further. The banks of the St. Joseph are thinly skirted with scrubby oaks of different species, many of them very large near the ground. These oaks shoot out enormous branches, nearly at right angles with their trunks, and are mostly from 20 to 40 feet in height. The appearance of the soil is not favorable, and when cultivated it is at first not productive, but when exposed by ploughing to the air, its chalybeate or other qualities changes its color, and to appearance, and from representation it is then fertile. Vast quantities of *marl* are found in the county, from which lime to any extent can be made. Much lime is also intermixed with the soil and gravel, for the brick, instead of the usual color when hard burned, are of a yellowish white. About half the county is said to be heavily timbered, the balance consists of barrens interspersed with prairies.

Below South Bend to the Michigan line, a large proportion of the land is very rich and beautifully situated. Near the river are rolling barrens from one to two miles in width, and, in the rear is the Portage prairie, near the whole of which is divided into first rate farms. Eight miles from South Bend, in Michigan, is Bertrand, having about 50 houses, and 4 miles further is Niles, with near 150. Both towns are rapidly improving. Farther down is Berrien, and St. Joseph at the mouth of the river, where there is a branch of one of the Detroit banks.

Michigan City is about 40 miles W. S. W. from Niles. For ten miles, the road runs in Michigan through rich rolling grassy barrens, thinly covered with black and burr oaks. Near the State line commences the Terre Coupee prairie, containing near a township. It is rather low but very rich and mostly in fine cultivation. It terminates near Lake Dishmon and is separated from the rolling prairie by a strip of heavy timber a mile or two in width, which latter are considerably elevated above Terre Coupee. Here are presented for several miles such prospects as few other parts of the country can exhibit. Wheat field beyond wheat field, and farm beyond farm extend in every direction farther than the eye can reach. Then commence oak barrens interspersed with tracts of land thickly timbered with ash, linn, beech and pine for about 12 miles to Michigan City. This place at the mouth of Trail creek is separated from the Lake by a ridge of sand hills 150 feet high, except for two or three rods on the south side of the creek and perhaps 20 rods on the north where the ridge is only 20 or 30 feet in height. The high ridge then commences and extends apparently

without any interruptions for several miles on the north and also the south margin of the Lake. Michigan City has about 125 houses, stores, &c., and the erection and finishing of at least 50 more have already commenced. Naked lots and lands in the vicinity of town now sell at from five to ten times the prices at which they were sold a year since. The present population is about 600, and a more sober, industrious and enterprising people cannot often be found. Very large improvements are contemplated this season in the town and vicinity. An appropriation is expected from Congress for a break-water to the harbor. The sum proposed is \$25,000, and the work when completed is estimated to cost \$84,000; \$8,000 is also expected for a light-house. When these works are completed, and the bar that now obstructs the mouth of the creek is removed, Michigan City must become a very important site. The vast quantities of wheat raised in its vicinity, the water power for mills and manufactories, the abundance of iron ore, extensive beds of marl, and the forests of pine and oak timber, will furnish means and facilities for the erection of a large town and the profitable employment of its citizens.

The objections to establishing a branch at this time in Michigan City arise from the short time most of the citizens have been resident there, from the unsettled state of the prices of property, the uncertainty of the prospect until the actual completion of the breakwater and harbour, and the probability that too much of the stock would be taken by the commercial and town interests. When these objections are obviated, when the agricultural and manufacturing interests in the vicinity obtain the hold, which they promise and which that confidence in the business habits and character of its citizens necessary to successful banking shall be acquired at Michigan City, there can be little doubt but that a branch there may be safe and profitable.

From Michigan City to Laporte in the same county the distance is 13 miles, the country is principally barrens, but varied with thick timber and a few small prairies mostly wet. There is a gradual ascent the whole distance, so that Laporte is said to be 230 feet above the level of the lake. Near the town on the N. W. are several small clear lakes, mostly having no outlet. S. W. S. and E. of the town, for eight miles or more are principally prairies, rich beyond conception, and interspersed with numerous groves of fine timber of from a few to several hundred acres.

The town contains 175 dwelling houses, stores and shops, built up within four years, but at present it is not improving like Michigan City and South Bend. The rich farmers, substantial capital and business habits of the vicinity, would in all probability render the branch of the 12th district if established at Laporte, as safe as any other in the State. And if no more than one branch is to be established in that district, perhaps the central situation of Laporte and the character of its population, give it, for the present, some advantages. It can make no pretensions however, to becoming a large town, having neither the manufacturing advantages of South Bend, nor the commercial advantages of Michigan City.

In the hasty examination that has been made of the 12th district, it cannot be expected that no mistakes should occur or that its future importance should be duly appreciated. Most of the people are new to the country and at the prominent points jealous of each other, and are often not much astonished at the rapid changes constantly taking place than persons at a distance, with less opportunity to account for them.

The canal commissioners are now preparing to survey a route for a canal from Fort Wayne to Michigan City. The course that this route will take cannot be decided at present. It will probably go by South Bend, but it seems doubtful whether it can be taken thence to Michigan City. If not, there can be no difficulty in taking it down the Kankakee, which at this time is almost a natural canal from a short distance from its head to the west line of the state.

It is believed by some very intelligent men in the north, that the time is not remote when much of the intercourse from the east and Lake Erie to the Illinois river, will not take the immense circuit through Lakes Huron and Michigan.

The undersigned has submitted without reserve, the impressions made on his mind, by his hasty visit to the north. The facts related and opinions advanced may lead to very different conclusions in different minds. If that should be the case, or if no satisfactory conclusion can be arrived at, it would seem advisable that a further examination of the 12th district should be had, especially as two of the committee originally appointed were unable to attend, and Mr. Norris who attended as a substitute had less time to devote to the examination than was desirable. Herewith are submitted examinations of respectable citizens held by the undersigned at South Bend and Michigan City, in relation to the business and resources of those places. At Laporte a similar examination was held by the undersigned in conjunction with Mr. Norris.

S. MERRILL.

May 19, 1836.

The undersigned, two members of a committee, appointed at the last session of this board, to visit the country north of the Wabash river, to collect information in relation to the most favorable point for the location of the 12th branch, report the following as to the manner in which they have discharged the duty assigned them by the board. The undersigned would here remark that several days previous to their setting out on their journey they had an interview at Terre Haute and after agreeing upon the time of starting and the place of meeting in the Upper Wabash county, one of them immediately addressed a note to their colleague, Mr. Brown of Bedford, but owing to the delay in the reception of the letter they were deprived of his assistance in their investigations.

The undersigned having met a Logansport on Thursday evening, the 27th ult. they started on the next morning for South Bend, where they arrived the following day. They immediately made known the object of their visit, and invited a meeting of the principal business men of the town and neighborhood, which convened the same evening.—

As a full and thorough investigation had been made by the president of this board in May, 1836, of South Bend and other towns in the neighborhood, applying for the location of the branch, the undersigned did not deem it important to go over the same ground, and therefore confined their examination to such general views of the progress of improvements, increase of business, wealth and resources, as their limited time enable them to collect. In regard to South Bend the following facts were elicited:

1. The town was laid out in 1831, and its present population is estimated at one thousand.
2. The population of the town and county is supposed to be about nine thousand.
3. The increase of population in the town and county during the past year is estimated at 25 per cent.
4. The number of mercantile houses in town is 15 with an estimated average capital of eight to twelve thousand dollars.
5. The increase of business during the past year is estimated at about 50 per cent.
6. There are nine grist and saw mills in the neighborhood embracing a district of country of five to six miles.
7. The town is supposed to contain about 350 houses of all descriptions, embracing 2 churches, 5 public schools and 5 houses of public entertainment. There are established here 3 lawyers and 6 practicing physicians. The exports of the county at present consist of wheat, flour, and oats. They are already important and rapidly increasing. The town of Mishawaka is situated on the bank of the river 4 miles above South Bend, and is a neatly built village of about 70 houses and supposed to contain 500 inhabitants. Good iron ore is abundant in the neighborhood, and arrangements are made and in progress for its extensive manufacture. When we take into consideration what has been accomplished here in the short space of 3 or 4 years—the immense water power that may be safely and conveniently applied—the minerals, the fertility of the soil and enterprising and industrious habits of the population, the opinion may be safely hazarded, that South Bend and Mishawaka will at no very distant period constitute the most important manufacturing district of Indiana. The towns of Niles, Goshen, Bertrand, Elkhart and Edwardsburgh are all flourishing villages, from 10 to 24 miles from South Bend, with from 200 to 1,500 inhabitants.

The undersigned next visited Michigan City. This town was laid out in 1833, and by a census taken in February last it was found to contain 2,056 inhabitants, and the population of the county is estimated at from 10 to 13,000. It is estimated that the increase both of the town and county during the past year amounts to above 33½ per cent. There are 28 mercantile houses in the town, many of them large and splendid establishments, and containing heavy stocks of goods. The average capital of each is supposed to be from 6 to 8,000 dollars, and if the latter sum, the cash capital, invested in merchandize alone amounts to \$224,000. The merchants were unanimous in the belief that their annual sales amount to four times their capital invested,

which would produce an aggregate business of \$896,000. They think the entire business of the place has been doubled within the past year. Within the distance of six miles from the town there are 13 mills in operation, some of them extensive establishments and doing a large business. The town is supposed to contain about 500 houses, all of wood, but many of them handsomely built, and large and commodious. The harbor and light house are rapidly progressing, and it is thought will be nearly completed this present season. The town contains 2 churches, 4 public schools, 6 houses of public entertainment, 7 lawyers, and 4 practicing physicians. A steamboat of 200 tons burthen, owned by the citizens of the place, plies as a regular packet three times a week to Chicago and Milwaukee. The nearest bank is at St. Joseph in Michigan, a distance by water, the route usually travelled, of 65 miles. The towns of Laporte, Valpariso, Lake Court-house, Liverpool and Springville, are all places of considerable business, situated at from 8 to 35 miles from Michigan City, and will, it is thought all take stock if the bank is located there. By a statement from the post office herewith submitted, it appears that the receipts for the year ending the first of July last amounted to \$717 80.

H. P. Holbrook & Co. state that the first arrival this season at Michigan City was a vessel from Detroit on the 20th May, and the first from Buffalo was the 12th June, and from that period to the 31st July, they had paid \$10,500 freight on goods exclusively for the interior. There had been from 50 to 60 arrivals of vessels and steamboats from the opening of navigation to the first of August.

The immediate neighborhood of Michigan City is not favorable to the agricultural interest, being sandy, barren and broken, but the county of Laporte in which it is situated is exceeded by few counties in the State, in beauty, fertility of soil, and has already a heavy surplus produce. Michigan City is the natural shipping point for the whole of it and for some of the adjacent counties, and that taken in connection with the water power afforded by Trail creek and its commanding position upon Lake Michigan, cannot fail to render it an important commercial point.

The attention of the undersigned was next directed to Laporte. It is the county seat of Laporte county, and now contains about 900 inhabitants. It has a handsome court house, two churches, three public schools and about 350 houses. The town was laid off in 1832, on the borders of Door prairie, 12 miles from Michigan City and 28 from South Bend. It is in the heart of a fertile and beautiful country, and no county in the State can present a more interesting and handsomely cultivated range of farms. There are 11 mercantile houses operating upon a cash capital, supposed to average from 7 to 9 thousand dollars. Within a circuit of 8 miles there are 23 mills of various descriptions, some of which are represented to be valuable and extensive establishments and doing a heavy business. The increase of business of the town during the past year is supposed by the merchants to be 50 per cent. The nearest bank is at St. Joseph in Michigan 60 miles. The distance to the Illinois state line, about 50 miles, and the country most-

ly fertile and rapidly improving. There are in Laporte three houses of public entertainment, 7 lawyers and three practising physicians. The amount of business operations of the merchants is supposed to be about double the capital they have invested in trade. The undersigned had an opportunity of seeing and forming acquaintance with many of the substantial farmers of the county. They appear to be respectable substantial citizens and will it is thought take a majority of the stock of the bank should it be located here.

The undersigned feel that the time subject to their control was too limited to enable them to do ample justice to this subject. At each point they could only spend a few hours, at none more than half a day, and it will be readily supposed that in that short period, but little information in regard to statistics could be elicited except from the information of others. The character and general standing of the gentlemen from whom their information was obtained is such as to forbid the supposition that in any instance they have been knowingly misled; they have therefore the fullest confidence in all the facts material to the subject detailed in this report. In conclusion the undersigned having been compelled to act without the aid of their colleague, and constituting as they do barely a majority of the committee, feel it a duty they owe to themselves to close their report without indicating any wish as to the final action of the board.

All which is respectfully submitted.

S. H. SCOTT,
B. I. BLYTHE.

From the journal kept by the Directors of the State Bank, it appears that in February 1836, a committee consisting of Messrs. Merrill, Scott, and Morrison were appointed to examine the 12th Branch district for the purpose of locating a branch therein. But as two of the committee could not attend, no location was made, and on the report herein before set forth, it was resolved that "it was not expedient at that time to establish the 12th Branch." At the February session, 1837, the committee to whom was referred the subject of the location of the 12th Branch, reported that a further examination of the 12th district is necessary, with a view to the location of that Branch, and that a committee should be appointed to make the examination, and on the adoption of the report Messrs. Blake, Fitch, McCulloch, Mitchell, and White voted in the affirmative; and Messrs. Lanier, Major and Morrison in the negative. So the report was adopted, and Messrs. Mitchell, Fitch and Law appointed the committee, and Mr. McCulloch to fill any vacancy that might occur.

The committee however did not act from its having been supposed that the law of last session authorizing three new branches, had been agreed to by all, but at the May session it was found that three branches had failed to give their assent.

At the May session of the board, a committee consisting of Messrs. Scott, Brown and Blythe, was appointed to "collect information in re-

lation to the most favorable point for the location of the twelfth branch, which resulted in the report hereinbefore set forth. After this was read, Mr. Majors moved the adoption of the following resolution:

Resolved, That the twelfth branch of the State Bank of Indiana be and the same is hereby located at Michigan city; which being read, Mr. Mitchell moved to amend the resolution by inserting in place of Michigan city, the town of South Bend. Before the question was had on that subject, Mr. Brown moved to lay the whole subject over until the next session of the board; upon which those who voted in the affirmative were, Messrs. Brown, Coffin, Fletcher, Hamilton, Scott, Ser-ring and Worth. And those in the negative were, Messrs. Blythe, Deming, Majors, Mitchell and Morrison. So the subject was postponed.

At the November session, Mr. Dunn offered the following resolution: "*Resolved*, That it is made the duty of this board, by the charter, to locate the twelfth branch of the State Bank of Indiana, at the present session;" which being read and discussed at length with much earnestness, Mr. Law moved to amend the same by striking it out and inserting the following: "Whereas this board are not sufficiently advised in regard to the proper location of the twelfth branch of the State Bank of Indiana, at the present session of the board, upon the report made by the committee, appointed to examine the point for said location, prior to the last meeting of the board, and from other circumstances occurring since said examination—and whereas a further examination is desirable: therefore, *Resolved*, that a committee of five be appointed to make a further examination of the several points, and report at the Aug. session of the board some definite point for locating said branch." And those who voted for said amendment and substitution were, Messrs. Blake, Coffin, Douglass, Dunn, Fletcher, Hanna, Lanier, Law, Sinclair, Scott, Vestal and worth. And Mr. Deming voted in the negative.

This last examination may possibly not take place, if the Legislature should provide for two more branches in addition to the twelfth in the north. In that case the three might be located at once to go into operation soon after the resumption of specie payments. If there be no legislative action on the subject, the twelfth branch will probably be located as provided for in the resolution, and go into operation in November next. In submitting his own opinions, the undersigned has thought the twelfth branch should have been located the past year, and he believes a majority of the directors concurred with him; but from their diversity of sentiment, it was impossible to obtain a majority in favor of any one point. And as a last resort, the whole subject was referred to a committee of directors, who had never visited the north.

As a matter of duty prescribed by the charter, the undersigned has strongly urged the location of the twelfth branch during the past year. Yet, were policy alone to be considered, he would not advise the organization of a new branch, while specie payments are suspended. But as soon as the banks again commence the performance of their appropriate duties, the business and enterprise of the northern portion of the state require, and should receive an equal share of bank facilities. Every member of the state board who has had opportunities for per-

sonal observation, or to obtain information on which he could rely, fully concurs in these views. Unfortunately, however, many of the citizens of the north are so suspicious of each other, and so many reports are in circulation derogatory to persons undoubtedly respectable, that the directors of the State Bank, as well as others, are often at a loss as to what they ought to believe. The evils produced by this state of things, unavoidable, perhaps, in a new country, will, it is hoped, soon pass away. When they are just and generous to each other, they will be properly appreciated elsewhere.

Respectfully submitted,
S. MERRILL.

Mr. Kennedy presented a petition from Joseph Gossett and others, relative to the part of Newcastle and Lafayette State Road, running through Delaware county;

Which was referred to the committee of revision.

Mr. Watts of D., presented a petition from J. and D. J. Hancock, praying a charter for the erection of a bridge &c;

Which was referred to a select committee of Messrs. Watts of D., Smith, and Morgan of D.

Mr. Ewing, presented a communication from the Commissioner of the Michigan Road;

Which was referred to a select committee of Messrs. Ewing, Vawter, Stanford, Brady and Walker.

On motion of Mr. Brady, the report of the Michigan Road commissioner presented to the Senate a few days previous, was taken from the table and referred to the same committee as the last.

Mr. Ewing presented a petition from S. S. Tipton and others, relative to a State road leading from Logansport to Peru in Miami county; which was referred to a select committee of Messrs. Ewing, Finch, Clark, and Vawter.

Mr. Daily presented a petition from S. Gurnsey and others, praying the location of a state road from Salem to Charlestown;

Referred to select committee of Messrs. Daily, Hackett and Hoagland.

Mr. Ewing presented a remonstrance for T. C. Davis and others, relative to a petition praying a relocation and change of the direction of a part of a state road leading from Logansport to Peru;

Referred to committee on roads.

Mr. Dunning from the committee on education, now reports:

Mr. PRESIDENT—

The committee on education to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of so amending the 12th section of an act, approved Feb. 6, 1837, incorporating congressional townships and providing for public schools therein, as to require the school commissioner to make monthly loans of any interest which he may have in his hands, between the months of March and September, and September and March, at which times he has to make his reports, have had that subject under consideration and have directed me to report that legislation upon that subject is inexpedient at this

time, and asked to be discharged from any further consideration thereof.

The committee were accordingly discharged.

Mr. Dunning, from same committee, reports:

Mr. PRESIDENT—

The committee on education to whom was referred a resolution of the Senate instructing them to inquire into the expediency of repealing so much of the eleventh section of the 14th chapter of an act entitled an act incorporating Congressional townships and providing for public schools therein, approved 6th February, 1837, as relates to persons sending to school in an adjoining district or township, and authorizing said inhabitants to draw school funds of the township in which they reside, and that said committee be further requested to inquire into the expediency of so amending the 23d section of said chapter as to make it the duty of all persons heads of families living in organized school townships or districts to perform labor, furnish materials and pay any taxes which may be required of them by the order of a district meeting for the support of schools, have had those subjects under consideration and have directed me to report that it is inexpedient to legislate on them at this time, and ask to be discharged from any consideration thereof.

The committee were discharged.

Mr. Dunning from the same committee again reports:

Mr. PRESIDENT—

The committee on education to whom was referred a resolution directing them to inquire into the expediency of amending the 5th section of the 8th chapter of an act incorporating Congressional townships and providing for public schools therein, approved February 6th, 1837, so as to authorize the school commissioner to sell any unsold school lands when it shall be certified that a majority of the voters present at any township election shall have voted in favor of such sale of school lands; and that said committee be requested to inquire into the expediency of repealing the 9th chapter, of the aforesaid act have had the same under consideration and have directed me to report that it is inexpedient at this time to legislate upon those subjects, and ask to be discharged from any further consideration thereof.

The committee were discharged.

Mr. Dunning from the same committee further reports:

Mr. PRESIDENT—

The committee on education to whom was referred a bill of the House of Representatives entitled "An act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to and receive by virtue of an act of Congress," approved 23d June, 1836; have had the same under consideration and have directed me to report the same back to the Senate and recommended that said bill be indefinitely postponed.

The question being, shall the bill be indefinitely postponed?

And the Senate decided in the affirmative.

On motion of Mr. Colerick,

Resolved, That a select committee be appointed to inquire into the expediency of giving an extension of time to the collectors of the revenue for 1837, until the first day of May next.

Ordered, That Messrs. Colerick, Cathcart and Walker be that committee.

Mr. Thompson of L. offered the following:

Resolved, That the revising committee be instructed to report to the Senate a bill establishing probate circuit courts, and providing for transferring all the business of the probate to said courts.

Which was laid on the table by consent.

On motion of Mr. Walker,

Resolved, That the committee on the State Bank be instructed to inquire into the expediency of extending the capital, thereby more effectually meet the wants of the people as to a circulating medium, and that the interest or profits be set apart as a sinking fund for the purpose of defraying the interest on the loan made for the purpose of carrying on a system of internal improvement.

On motion of Mr. Daily,

Resolved, That the committee of Ways and Means be requested to inquire into the expediency of providing by law to furnish a — number of the revised laws of the present session to the several counties of this state, to be sold at such price as will reimburse the state, so as to enable each citizen thereof, to procure a copy that may wish so to do by paying an equivalent therefor, with leave to report by bill or otherwise.

Mr. Mount offered the following resolution:

Resolved, That the committee on ways and means be instructed to inquire into the expediency of reporting a joint resolution and memorial instructing our Senators and requesting our representatives in Congress to use their influence in obtaining for the use of the State of Indiana, the right of pre-emption at the minimum price, to the lands lately acquired of the Miami Indians, to aid and assist in the progress of her works of Internal improvement.

Mr. Cathcart moved to amend by adding "that all actual settlers upon the government lands in this state shall be entitled to the right of pre-emption to purchase each 160 acres, but shall in no case be entitled to floats."

Mr. Clark offered the following amendment to the amendment, "and of repealing all laws of the United States prohibiting trespasses upon the public lands;

Which was accepted.

Mr. Stanford moved to amend the amendment by inserting the word "other" after the word "upon."

Which was not agreed to.

The question then was, shall the amendment as amended be adopted? and the Senate decided in the negative.

Ayes and noes being called,

Those who voted in the Affirmative were,

Messrs. Bell, Cathcart, Crawford, Dobson, Ewing, Finch, and Watts of D.—7.

Those who voted in the Negative were,

Messrs. Baird of St. J., Beard of M., Bowen, Bradbury, Brady, Casey, Chambers, Clark, Cole, Colerick, Daily, Dunn, Elliott, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watt of U. and Vawter—36.

Mr. Ewing proposed to amend the resolution by striking out "the lands lately acquired of the Miami Indians" and insert of all the "present lands belonging to the government in the state of Indiana."

Mr. Clark offered the following amendment to the amendment, by inserting the words "and future" after the word "present," which was accepted.

The question then was, shall the amendment as amended be adopted? And the Senate decided in the negative.

Mr. Ewing moved to amend the resolution by striking out the word "state" and insert "all individuals who have settled on said lands in anticipation of a renewal of the pre-emption law.

Which was not agreed to.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Crawford, Dobson, Ewing, Finch, Thompson of L. and Watts of D.—6.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Daily, Dunn, Dunning, Elliott, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of P., Trask, Tuley, Walker, Watt of U., and Vawter—37.

The question then recurring on the adoption of the resolution,
The ayes and noes were called;

Those who voted in the Affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Bradbury, Brady, Casey, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Finch, Hackett, Hoagland, Kennedy, Little, Mitchell, Morgan of D., Morgan, of R., Mount, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L. Thompson of P., Trask, Tuley, Walker, Watt of U., and Vawter—39.

Those who voted in the Negative were,

Messrs. Cathcart, Ewing, Green, Smith, and Watts of D.—5.

So said resolution was adopted.

Mr. Stanford from the committee on enrolled bills now reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bills of the House of Representatives,

No. 31—Entitled an act to change the name of the town of Middletown;

No. 34—Entitled an act for the relief of Joseph Wells; and

NO. 59—A joint resolution respecting the extension of the franking privilege.

And find them truly enrolled.

And on motion, the Senate adjourned.

THURSDAY MORNING, Jan. 4, 1838.

Senate assembled.

Mr. Moore presented a petition from John Fryer and others, relative to the county road running from Washington, North Perrysville; referred to a select committee of Messrs. Moore, Casey and Stewart.

Mr. Bowen, presented a petition from Charles Martin and others, relative to a State road running from Terre Haute to Covington; referred to the committee on roads.

Mr. Clark presented two petitions from James Earle and others, upon the subject of changing the Madison and Lafayette Rail-road, to a McAdamized road, and also the Jeffersonville and Crawfordsville road; referred to the same committee to which was referred the documents of the Crawfordsville and New Albany Rail-road.

Mr. Clark also presented a petition from Wm. Shively and others relative to the Madison and Lafayette Rail-road; referred to the same committee as the last.

Leave granted, Mr. Ewing presented the following petitions on the subject of county boundaries, to wit:

From Mathias Carvey and others, citizens of Miami county.

From L. N. Bozarth and others, citizens of Fulton county.

From S. Q. Welton and others, citizens of Fulton county.

From Robert Staton and others, citizens of Kosciusko county, and

from James Davies and others. Referred to select committee of Messrs. Ewing, Beard and Cathcart.

Leave being granted, Mr. Cole presented a bill, No. 58, entitled a bill to locate a State road in the county of Boon; which being read, was,

On motion of Mr. Cole,

The rules being dispensed with, read a second time and referred to a select committee of Messrs. Cole, Finch and Bell.

Mr. Cole presented a petition from John Boswell and others, relative to a State road therein named; referred to the same select committee as the last.

Mr. Elliott from the committee on ways and means, reports,

Mr. PRESIDENT—

The committee of ways and means, to whom was referred a resolution to inquire into the expediency of so amending the law entitled, an act to provide for an equitable mode of levying the taxes of this State, approved Feb. 8, 1836, have had the same under consideration, and have directed me to report the following bill—entitled

A bill, No. 59, to amend an act, entitled, an act to provide for an equitable mode of levying the taxes of this State, approved Feb. 8, 1836; which being read, was,

On motion of Mr. Clark,

Read a second time and referred to the committee of revision.

Mr. Thompson of L. from the judiciary committee, now reports,

Mr. PRESIDENT—

The judiciary committee to which was referred a bill of the Senate, No. 32, entitled, a bill to amend the act regulating the practice in chancery, approved Feb. 10, 1831, have had the same under consideration, and have directed me to report it back to the Senate without amendment, ask to be discharged from the further consideration thereof, and recommend to the Senate that it be referred to the joint committee on revision.

The committee were accordingly discharged, and the reference agreed to.

Mr. Thompson of L. from the judiciary committee, reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of so amending the act regulating practice in suits at law, as to extend the statute of limitations to notes of hand, whether sealed or unsealed.

Also, a resolution instructing an inquiry into the expediency of allowing president and associate judges compensation for certain extra services, in vacation of court, have instructed me to report the same back to the Senate, and ask to be discharged from the further consid-

eration thereof, and to recommend to the Senate, that they be referred to the joint committee on revision.

The committee were discharged and the reference agreed to.

Mr. Thompson of L., from the same committee, further reports,

MR. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of prohibiting lawyers from taking contingent or conditional fees, have instructed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Dunning from the committee on education, now reports,

MR. PRESIDENT—

The committee on education to whom was referred a resolution directing them to inquire into the expediency of reporting a bill allowing compensation to examiners of applicants to become school teachers—said compensation to be paid by the respective applicants. And further to inquire into the expediency of allowing a reasonable compensation to school commissioners for receiving and disbursing the interest accruing upon that portion of the surplus revenue of the United States, as was appropriated to the several counties of this State for education purposes, have had those subjects under consideration, and have directed me to report that legislation upon them at this time is inexpedient, and ask to be discharged from any further consideration thereof. The committee were discharged.

Mr. Dunning from the same committee, reports,

MR. PRESIDENT—

The committee on education, to whom was referred a resolution, directing them to inquire into the expediency of so amending the 1st section of the 3d chapter of an act incorporating congressional townships, and providing for public schools therein, as to provide for the election of township trustees on the 1st Monday in April in each year. Also, that an election may be held at the same time and place, to determine upon the sale of any school lands in the respective townships, which may remain unsold, have had the subject matters therein contained under consideration, and have directed me to report that any legislation upon them at this time is inexpedient and ask to be discharged from any further consideration thereof.

The committee were accordingly discharged.

Mr. Dunning from the same committee further reports,

MR. PRESIDENT—

The committee on education to whom was referred two resolutions

of the Senate, one directing to inquire what amendment, if any, and what legislation is required to carry into full effect, an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836. And the other directing said committee to inquire into the expediency of so amending the aforesaid act, as to require the agent in each county to loan said money to each township, in proportion to the number of polls in each. And also, a petition from the people of Switzerland county, praying a more effective mode of distributing the interest arising from the surplus revenue of the United States, which was distributed to the several counties in this State, for education purposes, have had the subjects in said resolutions and petition under consideration, and have directed me to report the following bill, viz:

No. 60, a bill to amend an act entitled, an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved June 23, 1836.

(Approved Feb. 7, 1837.)—being read, was, on motion of Mr. Dunning, read a second time. On motion, committed to a committee of the whole, and ordered to be made the special order for the day on to-morrow.

Mr. Beard from the committee on roads, now reports:

MR. PRESIDENT—

The committee on roads to whom was referred sundry resolutions of the Senate, directing an inquiry into the expediency of revising and amending the road laws, have according to order, had these subjects under their consideration, and directed me to report them back to the Senate, and recommend that they be referred to the joint committee on revision, and ask to be discharged from the further consideration of the subject.

The committee were accordingly discharged, and the reference agreed to.

MR. PRESIDENT—

The committee on roads to which was referred the petition of Geo. Flowers and others, praying the relocating of a state road in Gibson county, have had the same under consideration, and instructed me to report the following bill.

No. 60—A bill to authorize the re-location of a state road in Gibson county;

Which being read, was ordered to a 2d reading on to-morrow.

Mr. Thompson of P. from committee on State Library, reports:

MR. PRESIDENT—

The committee on the State Library to whom was referred so much

of the Governor's message as recommends to the Legislature the purchasing of J. H. Colton's map of Indiana, have duly taken into consideration the subject of reference, and have critically examined the map as at present laid before the committee, and a majority of the committee have instructed the chairman to report, that in their opinion the map is worthy the patronage of the State at a price not exceeding 7 dollars.

The committee ask to be discharged from the further consideration of the subject.

The committee were accordingly discharged.

Mr. Thompson of P., from the committee on corporations, now reports:

Mr. PRESIDENT—

The committee on corporations to which was referred a bill of the Senate No. 9, entitled "a bill to incorporate the West Delphi Bridge Company," have duly examined the same, and have made several amendments, to which the committee respectfully ask the concurrence of the Senate.

The amendments to said bill having been severally concurred in by the Senate, the bill was ordered to be engrossed and passed to a 3d reading.

Mr. Baird, from the committee on corporations, reports,

That the committee on corporations to whom was referred a petition of Alonzo Delano and others, praying the incorporation of the Mishawaka Iron and Manufacturing Company, have had that subject under consideration, and directed me to report the following:

No. 62—entitled a bill to incorporate the Mishawaka Iron Manufacturing Company, which being read, was passed to a 2d reading on tomorrow.

On motion of Mr. Ewing,

Resolved, That the Board of Public Works be, and they are hereby requested to inform the Senate at as early a day as practicable, what disposition has been made of the \$1,900 belonging to the Michigan Road fund, paid over by Hon. Wm. Polke, late commissioner on said road, to D. Yandes Esq., a member of that Board, as will appear by reference to said commissioner's late report, that the Board furnish the Senate with a statement of such expenditures as occurred, and have been paid by them, on account of the late survey and estimate made on said road, in order that it may appear what amount of said money has been expended, and how much, if any, remains yet in the hands of the commissioner, Mr. Yandes, this information being necessary, in order that there may be a final close of this business effected.

Leave being granted, Mr. Cathcart, from a select committee, now reports:

Mr. PRESIDENT—

The select committee to which was referred a bill from the House of Representatives entitled, an act No. 33, appropriating part of the

3 per cent fund in the county therein named, have had the same under consideration and have directed me to report the same back to the Senate without amendment.

The bill was ordered to a third reading on to-morrow.

On motion of Mr. Vawter,

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of repealing, or modifying the 2d section of an act entitled an act declaring what shall be evidence in certain cases, approved February 1st, 1834.

On motion of Mr. Walker,

Resolved, That the committee on revision be instructed to inquire into the propriety of amending the revenue law so as to prevent the passing of title from the owner of real estate, until the amount of said estate at a fair valuation be covered at fifteen per cent. on the amount of tax that may be levied from time to time on the premises.

Mr. Tuly, introduced a preamble and bill No. 63, entitled an act to legalize the sale of school lands in the county of Floyd;

Which being read, was, on motion of Mr. Tuley, the rules being dispensed with, read a 2d time and ordered to be engrossed and passed to a third reading.

Mr. Thompson of P., introduced a bill No. 64, entitled a bill for the relief of the collector of Perry county;

Which being read, was, on motion of Mr. Sigler, the rules being dispensed with, read a 2d time now. The rules being further dispensed with, was, on motion of Mr. Thompson of P., read a third time now and passed.

The Senate then resumed the orders of the day.

On motion of Mr. Trask, bill No. 43, entitled a bill to alter and define the boundaries of Grant county, was taken up, and

On motion of Mr. Bell, referred to a select committee of Messrs. Stanford, Little, Vawter, Bell, and Trask.

Mr. Thompson of L., gave notice that he would on to-morrow, introduce a resolution to repeal a standing rule of the Senate, relative to adjourning from its first adjournment each day, to 9 o'clock next morning.

And on motion, the Senate adjourned.

FRIDAY MORNING, JAN. 5, 1838.

Senate assembled.

The President laid before the Senate a report from State Board of Internal Improvement, in answer to a resolution of the Senate, asking how far the White Water Canal may be extended north of the National road;

On motion of Mr. Elliott, referred to the committee of canals and internal improvements.

Mr. Beard from the committee on roads, reports:

That the committee on roads to whom was referred the petition of O. H. Neff and others, praying the location of a state road from Laurel in Franklin county, to West Union in Fayette county, have had that subject under consideration and directed me to report the following bill:

No. 65, entitled a bill to locate a state road from Laurel in Franklin county to West Union in Fayette county, and for other purposes;

Which being read,

On motion of Mr. Mount, the rules were dispensed with and the bill read 2d time, and,

On motion of Mr. Beard, referred to the committee of revision.

Mr. Clark from the committee of canals and internal improvements reports:

Mr. PRESIDENT—

The committee on canals and internal improvements, to whom was referred a resolution of the Senate, directing them to inquire into the expediency of authorizing the State Bank to pay over to the State Treasury the amount of the fourth instalment of the surplus revenue of the United States, payable to the State of Indiana, on the first day of January, A. D. 1839, have considered the subject and have directed me to report herewith a bill entitled,

No. 66, a bill to amend an act entitled an act to provide for distributing so much of the surplus revenue of the U. S. as the State of Indiana may be entitled to receive by virtue of an act of Congress, approved June 23, 1836:

Which being read, was ordered to a 2d reading on to-morrow.

Mr. Thompson of P. from the committee on corporations now reports:

That the committee on corporations to whom was referred a bill to incorporate the Marion and Mississinawa bridge company, have duly considered the same and have instructed me to make sundry amendments, to which the concurrence of the Senate is requested.

The amendments having been read, were severally concurred in by the Senate; and.

On motion of Mr. Trask, the bill was indefinitely postponed.

The following message was received from the House of Representatives by Mr. Elliott their Clerk.

Mr. PRESIDENT—

The Speaker of the House having signed enrolled bills of the House of Representatives,

No. 23, an act to change a part of a State road therein named;

No. 31, an act to change the name of the town of Middletown;

No. 34, an act for the relief of Joseph Wells;

No. 59, a joint resolution respecting the extension of the Franking privilege;

I am directed to bring them to the Senate for the signature of the President thereof.

The House of Representatives have passed an engrossed bill of the Senate, entitled,

No. 64, an act for the relief of the collector of the state revenue of Perry county, without amendment.

The President pro. tem. of the Senate having signed bills No. 23, No. 31 and No. 34, and joint resolution No. 59, they were handed to the committee to be presented to the Governor for his approval and signature.

Mr. Ewing from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred the petition of S. S. Tipton and others, praying for an appropriation of a portion of the 3 per cent. fund belonging to Cass county, on the state road from Logansport to Peru, have had the same under consideration and have instructed me to report the following bill:

No. 67, a bill to appropriate a certain portion of the 3 per cent. fund belonging to Cass county;

Which being read; was,

On motion of Mr. Ewing, the rules being dispensed with, read a 2d time, and ordered to be engrossed for a 3d reading on to-morrow.

Mr. Moore from a select committee reports:

That the committee to whom was referred the petition of Fryer and others, have had the same under consideration and directed me to report the following bill, in which the concurrence of the Senate is requested.

No. 68, a bill to locate a state road therein named;

Which being read,

On motion of Mr. Moore, the rules were dispensed with, and the bill read a 2d time;

Ordered to be engrossed and passed to a 3d reading.

Leave being granted, on motion of Mr. Bell, the bill No. 7, from the House, which was laid on the table a day or two since, was taken up, A bill for opening and repairing public roads and highways in Hancock county;

On motion, ordered to be engrossed for a 3d reading.

Mr. Stanford from the committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bills of the House of Representatives,

No. 27, entitled an act to authorize the board of commissioners of Kosciusko county to recover the amount of certain three per cent. fund heretofore appropriated to that county; and

No. 29, entitled an act authorizing the sale of a certain school house and lot in the county of Washington;

And find them truly enrolled.

On motion of Mr. Beard,

Resolved, That the Senate will proceed to the election of a printer to the Senate on to-morrow morning at 10 o'clock, to serve as such for the term of 3 years in conformity with a joint resolution of the General Assembly, approved Feb. 4th, 1837.

Mr. Walker offered the following resolution:

Resolved, That the committee of canals and internal improvements be instructed to inquire into the expediency of authorizing by law, the Board of Internal Improvement to locate the Madison and Lafayette rail road on the nearest and best ground from Vernon to Indianapolis, without reference to intermediate points, provided it be found on actual examinations being made, to shorten the length of said road, put it on better ground, or be a saving of money to the state, and that they be directed to report a bill clothing the Board of Internal Improvement with the powers above alluded to.

Mr. Cole moved to amend by adding "and also from Indianapolis to Lafayette."

On motion of Mr. Cathcart, the resolution and amendment were laid on the table.

On motion of Mr. Colerick,

Resolved, That the committee on Canals and Internal Improvements inquire into the expediency of repealing so much of the law requiring the counties of St. Joseph, Laporte, Porter and Lake to advance a sufficient sum of money to defray the expense of the survey from the mouth of Salt creek westward to the Illinois line, with leave to report by bill or otherwise.

Mr. Thompson of L. moved to take from the table a resolution relative to changing the probate system.

Mr. Moffitt moved to strike out all the first clause and insert "that the revising committee be instructed to report a bill reorganizing the probate courts as follows:

1st. To provide for electing probate judges by joint ballot of both Houses of the General Assembly, one in each county.

2d. Requiring them to keep an office open at all times at the county seat for the transaction of business.

3d. That they keep a record of all their proceedings, file all their papers and documents, which may be presented in the settlement of estates, keep the books of his office, and upon the final settlement of any estate make out a complete record.

4th. That as a compensation for their services they shall receive the fees now paid to the clerks of the circuit court in their respective counties.

On motion of Mr. Thompson of L. the resolution and amendment were laid on the table.

On motion of Mr. Thompson of L.,

Resolved, That the standing rules of the Senate providing for a recess

from the first adjournment of each day, to 9 o'clock, A. M. of the next day, he and the same is hereby rescinded.

Mr. Ewing from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did on this day present to his excellency the Governor, for his approval and signature, bills of the following titles, to-wit:

No. 23—An act to change a part of a state road therein named.

No. 31—An act to change the name of the town of Middletown.

No. 34—An act for the relief of Joseph Wells.

No. 59—A joint resolution respecting the extension of the franking privilege.

On motion of Mr. Mitchell the committee of revision obtained leave of absence for this afternoon.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate Assembled.

The President laid before the Senate a communication from the State Board of Internal Improvement, "relative to a survey of the Erie and Michigan Canal made during the present year, by W. B. Mitchell, Civil Engineer,"

On motion, laid on the table and 500 copies ordered to be printed.

OFFICE STATE BOARD INT. IMPROVEMENT, }
January 5, 1838. }

To the Senate of Indiana:

Herewith is transmitted a report of the survey of the Erie and Michigan canal, made during the past year, by W. B. Mitchell, civil Engineer.

Respectfully,

D. H. MAXWELL, *President.*

To the Board of Internal Improvement:

GENTLEMEN: I submit herewith the report of the Engineer who has been engaged during the last season in the survey of the Erie and Michigan canal.

The extended duties which have devolved upon the undersigned in other parts of the state, have prevented him from making any personal examination of this line other than a mere reconnoissance over portions of the route. I have not yet had it in my power to examine on the ground the various questions of importance connected with the Elkhart summit. Any views which I may have submitted heretofore in reference to the cost or practicability of the canal have therefore been founded chiefly upon information received from the locating engineer.

In the report of the survey hereto appended which I have received since the date of my annual report, this deep cut at the Elkhart summit is described as being somewhat more formidable than had been ascertained at the date of any reports before received from this line. By reference to the field notes, I find the greatest depth of cutting to be 46.85 feet, which, however, falls off to 30 feet in the distance of 10 chains each way from the summit. The whole length of the cut from the depth of 5 feet at the west end to the same depth at the east end, appears to be 3 miles and 30 chains, and the whole quantity of earth to be removed for this distance amounts to 728,806 cubic yards. No excavations have yet been made to ascertain the character of the material of which the cut is composed. The estimate of the cost has been made upon the supposition that the material is common clay. This deep cut will augment the cost of construction and future repairs, although it does not affect the practicability of the work.

Another deep cut of less magnitude is encountered through the dividing ridge between the waters of Eel river and Spy run, 2 miles and 44 chains in length from 5 feet cutting at one end to the same depth at the other end, the greatest depth being 26.40 feet and the aggregate quantity of excavation amounting to 356,315 cubic yards.

North of the Elkhart summit the greatest obstruction shewn by the field notes is the embankment across the marsh in the valley of Grapevine creek, which is about two miles in length, and averages five feet high to bottom of canal. As the material to be found in the marsh is unsuitable for an embankment of this height, the earth for this embankment must be brought from the dry land on either side of the marsh.

I have considered it my duty to describe briefly, for the information of the Board, the prominent obstacles to be overcome in the construction of this canal. The greater portion of the route, excepting the points referred to, is highly favorable, and it is believed that the cost per mile, averaging the whole length of the line, will be less than on most of the canals now in progress in the state.

It is much to be regretted that stone for building the mechanical structures is not to be found on any portion of this line. The locks are estimated as being built of timber, and of course will be perishable, excepting three of them at the eastern termination, which are estimated of cut stone, the stone to be brought from the mouth of the Salamonie by the Wabash and Erie canal. Most of the culverts can be submerged, and thus rendered durable. The aqueducts will be perishable.

The limited time allowed for the locating party, for the survey of a line so long as this, together with the hindrances occasioned by sickness, have rendered the surveys and maps less complete than they would have been under other circumstances. Should the letting of this work be delayed until July or August next, there will be time for such additional examinations as may be deemed necessary. Previous to the commencement of a work like this, where reservoirs are relied upon in part for the supply of water on the summit, all the plans having relation to that subject should be well matured, the various reservoir sites accurately surveyed and mapped, and the extent of country

which will be drained into them measured with tolerable precision, so that nothing in regard to a matter so important may be left to conjecture. The additional surveys suggested can be made in the space of six or eight weeks.

A map and profile of a small portion of the line on the Elkhart summit is herewith presented.

Respectfully submitted.

J. L. WILLIAMS, *Prin. Eng.*

Indianapolis, Jan. 4, 1838.

To JESSE L. WILLIAMS, Esq.

Chief Engineer:

SIR—In conformity with your instructions, I have made a survey and location of the Erie and Michigan canal, from its junction with the Wabash and Erie canal near Fort Wayne to Michigan city. The principal difficulties which have presented themselves in the location, have chiefly arisen from the circumstance of being compelled to carry the line for a considerable distance, in a direction nearly at right angles with the streams draining the country through which it was found necessary to pass, causing extensive examinations of the country, and a careful arrangement of the several levels, in order to make the most safe and economical location. It is believed that these examinations have resulted in the selection of a route, presenting fewer objectionable features than any other connecting the same points. In several instances, perhaps the location may be improved by slight variations, without disarranging the general plan of the work.

The entire length of the main line is 173 miles and 15 chains, and the amount of lockage will be 433.65 feet, of which 142 feet is on the east, and 291.65 feet on the west side of Elkhart summit. As it is believed that no advantage would be derived from passing canal boats into the lake harbour, it is designed to form a basin in Michigan city sufficiently convenient for transshipments; this basin will be elevated thirty-two feet above the level of the Lake, and will afford a very favorable opportunity of disposing of the waste water, for propelling machinery.

The following abstract will exhibit the length of the main line, and feeders, with the estimated cost of construction:

Length of main line 173 miles 15 chains, cost	\$2,027,072 64
North fork feeder, not navigable, 3 miles 54 chains,	11,662 01
Navigable feeder, 9 miles 39 chains,	101,171 52
St. Joseph's feeder, navigable, 0 miles 63 chains	34,363 13
Total, 187 miles 11 chains—2 reservoirs	11,450 00

\$2,185,719 35

Add 10 per cent. for superintendence and contingencies.

218,571 93

Entire cost

\$2,404,291 28

Average cost per mile

12,857 17

In the above calculation is included 3 locks, to be built of cut stone near the junction with the Wabash and Erie canal; all the remaining locks are to be constructed of wood; the culverts are to be of a rectangular form, and sub-merged.

The length of canal and navigable feeder, which must be supplied with water from the Elkhart summit, is 59 miles and eight chains, requiring a supply of 6,500 cubic feet per minute during the navigable season; to supply which, the following arrangement has been made: a feeder is commenced at the north fork of Elkhart river, near the line separating Lagrange and Noble counties, and connecting with a reservoir to be constructed on the middle fork of the same stream; the site of this reservoir presents advantages which are seldom to be met with, both as regards cost and its peculiar adaptation for retaining water, its capacity will be 320 millions cubic feet. The north and middle forks of Elkhart river, which must supply this reservoir, have been gauged at different times during low water for the last two years; these gauges have been tested by a comparison with the experiments which have been made on the drainage of a given area of country, and afford satisfactory evidence that the quantity of water which may be annually collected in this reservoir, will not be less than 2,635,123,200 cubic feet.

A second reservoir will be constructed on the south fork of Elkhart, about three miles above Elliott's mill; the embankment forming this reservoir will be 350 feet in length, connecting two bluff points at the outlet of a chain of lakes through which the stream passes, the capacity of this reservoir will be equal to the entire drainage of the country for one year which will amount to 1,030,500,800 cubic feet.

The quantity of water which may be derived from these two reservoirs alone, will exceed the demand for 240 days navigation in each year, by 319,224,000 cubic feet. In addition to this supply, the waters of Pierson's and Hardenbrook's branches, and Blue-grass creek, are introduced into the summit level.

In order, however, that no doubt might be entertained of an abundant supply of water, as well for the canal as for other hydraulic purposes, I caused the requisite surveys and examinations to be made, agreeably to your suggestion, of a feeder from the head of Tippecanoe river, connecting with Bear and Wolf lakes; the supply which may be derived from this source, will be 300 cubic feet per minute at low water. The cost of introducing this feeder into the canal will be very small; but as it is not presumed that it will be required for the use of the canal alone, it has not been estimated.

From the junction with the Wabash and Erie canal, near Fort Wayne the line passes tolerably direct to the confluence of the north and west branches of Spy-run, thence up the valley of the north branch to its source on the high land forming the summit between the waters of Maumee and Eel rivers, then crossing the valley of Eel river to Blue-grass creek, pursuing this stream to its source on the Elkhart summit, which is the highest land between the waters of Maumee river and Lake Michigan.

The length of this summit from five feet cutting on each side, is 270 chains, and may be divided as follows:

- 81 chains, averaging 8.29 feet in depth.
- 99 chains, averaging 14.23 feet in depth.
- 63 chains, averaging 24.73 feet in depth.
- 18 chains, averaging 35.16 feet in depth.
- 9 chains, averaging 44.23 feet in depth.

This summit is by far the most expensive portion of the line, but being counterbalanced by a long line of extraordinary cheapness, it is not to be considered as a formidable difficulty in the construction of a canal.

From thence the line passes down the valley of a tributary of the Elkhart, to a lake on the south fork of that stream, a short distance below the reservoir, from this point it is designated to pass by slack water, and towing path for the distance of two miles and 68 chains. To form the pool, a dam ten feet in height, corresponding with the summit level of the canal, will be constructed a short distance below Elliott's mill. From thence the line will pass down the valley of south fork, connecting with the navigable feeder, about 3 $\frac{1}{2}$ miles north of Augusta, to its confluence with the north fork, where it will be locked into the pool of a dam to be constructed at McConnell's mill; this pool will be used as slack water, for the distance of two miles and 41 chains; the canal will then continue on the south side of the river, to a point 1 mile and 22 chains below Hockard's mill, where the river will be crossed in the pool of a dam, thence down the north side to Benton; from this place the line is very direct through Elkhart prairie to Goshen; the river is again crossed in the pool of a dam, to be erected at Manning's mill, from thence the canal will continue on the west side of the river, to the bank of the St. Joseph, a short distance below the village of Elkhart. At this point the canal receives a feeder from St. Joseph river, 63 chains in length, connecting with a pool of a dam to be constructed 4 chains below the mouth of Elkhart. The banks of the St. Joseph are very high, and composed chiefly of loose gravel and sand, and it was deemed unsafe to place the canal in a position where any portion of its banks would be exposed to the action of water, consequently the levels were maintained at a sufficient height to command the valley of the stream without coming in contact with its banks. From the last mentioned feeder, the canal will pass down the south side of the river to South Bend, crossing the valley of Bawbawgo creek by an embankment 19 feet high and 24 chains in length. From South Bend the line passes in a very direct course to the valley of Kankakee, and follows the slope on the north side of that stream to the head waters of Salt creek, where it passes the summit, dividing the waters of the Kankakee and Calumet rivers; at this point the direction of the line is very materially changed, for the purpose of reaching Michigan City, the distance from this angle to the canal basin at Trail creek is 23 miles.

Annexed hereto will be found abstracts of the estimated cost of each section, with the incidental work noted thereon. The estimate books containing the cost of each item in detail, will also be handed to you with this report.

All of which is respectfully submitted,

W. B. MITCHELL, Engineer.

Indianapolis, Dec. 26, 1837.

ESTIMATES of the Erie and Michigan Canal.

No. Sec.	Chains in length.	Cost.	Lockage in feet.	DESCRIPTION OF WORK.
137 ²³		\$46,831 96	30	3 Locks 10 feet lift each.
281		15,425 79		Culvert, West Fork Spy run.
378		17,070 01	8	1 Lock and Road Bridge.
481		13,133 57	8	1 Lock, culvert 12 feet.
578		18,689 61	16	2 Locks, culverts 6 feet.
681		15,300 50	16	2 Locks, culverts 3 feet.
778		21,447 88		
881		68,700 30		
978		9,402 32		
1081		3,950 29		
1178		1,862 68		
1281		19,189 50		
1378		12,020 95	8	1 Lock, culvert 6 feet; (Branch Eel river.)
1481		21,538 75	24	3 Locks.
1578		7,490 24		
1681		18,222 92	16	2 Locks.
1778		10,201 39	8	1 Lock.
1881		6,033 64		Culvert 3 feet.
1978		5,449 78		
2081		20,107 38	8	1 Lock, culvert 6 feet, (cast end summit level.)
2178		7,160 92		2 Culverts, 3 feet each.
2281		3,626 38		
2378		17,120 00		
2481		135,973 80		East side of summit.
2578		112,191 40		West side of summit.
2681		5,543 08		Culvert 3 feet. Slack water.
2778		3,564 95		do do
2881		2,634 56		do do
2978		21,618 70		Dam X South fork Elkhart; guard L.; tow-path B.
3081		4,977 51		
3178		7,388 40		
3278		7,650 76		
3381		20,380 29		Aqueduct X South fork of Elkhart.
3478		20,957 94		Aqueduct X South fork of Elkhart. Culvert 3 ft.
3581		13,149 70		Aqueduct X South br.; 2 culverts, 3 feet each.
3678		7,838 37		Culvert 6 feet.
3781		4,410 98		
3878		3,993 54		Culvert 6 feet.
3981		10,140 91		
4081		22,305 30	14	2 locks. Culvert 6 ft. West end of summit level.
4181		6,628 68		Culvert 3 feet.
4278		10,552 00	8	1 Lock; 2 culverts, 3 feet each.
4378		9,383 50	7½	1 Lock. Towpath Bridge X Elkhart.

Sect. No.	Chains in length.	COST.	Lock age in ft.	DESCRIPTION OF WORK.
44	81	2,111 55		Slack water
45	81	12,607 18		Dam × Elkhart: guard lock: culv. 3 ft.
46	81	6,630 24		Culvert × Indian creek
47	78	3,741 92		Road bridge, (Ligonier)
48	81	3,856 46		
49	81	7,405 90		4 Culverts
50	81	4,102 88	8	1 Lock
51	78	10,383 80	8	1 Lock
52	81	10,511 49	8	1 Lock: 2 culverts
53	78	3,904 20		1 Culvert
54	81	13,853 49	12.50	1 Out-let lock and 1 canal lock
55	78	12,013 27		Dam × Elk.: towpath bridge: g'rd lock
56	78	3,990 49		Road bridge
57	81	3,509 74		
58	78	3,981 98		
59	81	13,608 15	14	2 Locks: road bridge (Benton)
60	78	5,131 96	7	1 Lock
61	78	8,847 78	7	1 Lock: road bridge (Elkhart prairie)
62	78	10,265 98	8	1 Lock: road bridge
63	81	3,886 16		
64	78	6,702 36	8	1 Lock: road bridge (Goshen)
65	78	29,628 01	16	2 Locks: dam × Elk.: towpath bridge:
66	81	11,821 20		[guard lock
67	78	7,525 65		
68	81	4,944 59		Road bridge: culvert
69	78	5,106 12		
70	81	11,582 34	8	1 Lock: aqueduct × Yellow creek
71	78	10,407 16	9	1 Lock: culvert
72	81	5,006 46		
73	78	8,000 30	8	1 Lock
74	81	9,785 15	8	1 Lock
75	78	31,482 20	16.65	2 Locks combined
		34,363 18		St Joseph feeder, dam and guard lock
76	78	12,950 88		Culvert
77	81	17,045 76		
78	81	11,504 10		
79	78	8,248 18		
80	78	40,708 75		Bawbawgo culverts
81	81	6,477 29		
82	78	4,088 97		
83	81	10,564 08	6	1 Lock: 2 culverts
84	78	4,302 72		
85	81	2,421 16		

No. Sections.	Ch's in length.	Cost.	Li'age in feet.	Description of work.
86	78	5,473 98		Road Bridge Culvert.
87	78	8,551 52	6	1 Lock Culvert.
88	81	7,781 36		Culvert.
89	81	26,402 04		Rum Creek Culverts.
90	78	5,484 48		2 Road Bridges—South Bend.
91	78	4,173 40		Culvert.
92	81	3,610 18		Head of Kankakee valley.
93	78	4,268 04		
94	81	6,244 31		
95	78	4,841 47		
96	81	4,499 99		
97	81	3,885 96		
98	78	20,036 57		
99	81	67,850 30		Grapevine Creek Combined Culverts.
100	78	46,943 90		
101	81	5,442 12		
102	81	3,325 08		
103	81	1,864 92		
104	78	4,416 62		
105	81	4,616 80		
106	78	4,106 32		
107	81	9,753 54		
108	78	9,700 04		
109	81	44,669 84		Deep cut near Little Kankakee river.
110	78	10,261 58		✕ Little Kankakee Combined Culverts.
111	81	10,655 16		
112	78	2,265 24		
113	81	5,912 36		Culvert.
114	78	4,330 56		
115	81	4,415 36		
116	78	7,235 52		
117	81	6,272 48		
118	78	6,548 88		Culvert.
119	78	3,661 24		
120	78	11,883 63		Culvert.
121	81	3,656 04		
122	78	4,505 36		
123	81	2,666 68		
124	78	4,816 65		
125	81	9,578 20		Markhaws Creek Culvert.
126	78	14,097 25		
127	81	2,312 41		
128	78	7,503 92		Culvert.

No. of Sections.	Chains in length.	Cost.	Lockage in feet.	DESCRIPTION OF WORK.
129	81	7,343 20		Culvert.
130	78	6,827 50		
131	81	11,289 45		
132	78	3,330 04		
133	81	2,561 07		
134	78	3,641 70		
135	81	3,673 92		
136	78	3,722 40		
137	81	7,801 80		
138	78	6,373 76		Crooked Creek Culvert.
139	81	3,563 40		
140	78	3,738 60		
141	81	3,360 12		
142	78	12,527 04		
143	81	4,391 00		
144	78	7,974 54		
145	81	14,572 18	16	2 Locks.
146	78	1,902 08		
147	81	3,136 78		
148	78	9,922 55		Salt Creek Culvert
149	81	8,505 68		Culvert
150	78	3,440 42		Road Bridge
151	81	8,077 68		
152	78	5,469 56		
153	81	15,469 48	8	1 Lock.
154	78	8,214 84		Culvert.
155	81	3,265 22		
156	78	15,329 11	16	2 Locks, three Culverts.
157	81	21,032 80	16	2 Locks. Culvert.
158	78	12,213 35		Culvert.
159	81	17,597 94	8	1 Lock, 2 Culverts.
160	78	6,496 90		3 Culverts.
161	81	4,639 34		
162	78	5,476 31		Coffee Creek Culvert.
163	81	8,086 88		2 Culverts. Road Bridge
164	78	6,910 00		Culvert.
165	81	6,790 02		2 Culverts
166	78	5,635 81		Culvert
167	81	5,247 10		Culvert
168	78	4,977 08		West flk of Calumet—Dam & towpath bridge
169	81	5,411 51		

Sections. No.	Chains in Length.	cost.	Lockage in feet.	Description of work.
170	78	7,761 45		
171	81	11,720 70		
172	78	23,776 06	162	Locks.
173	81	11,192 48	81	Lock.
174	78	11,398 08	81	Lock.
175	66	10,874 24	81	Lock. Michigan City.
		\$2,061,435 82		

Reservoirs for supplying Elkhart Summit:

On middle fork of Elkhart river,	-	-	-	-	\$7,637 50
On south fork of do	-	-	-	-	3,812 50

\$11,450 00

Feeders for supplying Elkhart Summit:

Feeder 10 feet wide in bottom connecting North fork of Elkhart with Reservoir.	Sections No.	Chains in length.	cost.	Description of work.
	1	81	5,447 98	Dam and Feeder Gates.
	2	78	2,852 18	Culvert.
	3	78	2,041 17	
	4	57	1,320 68	Drop Weir.
			\$11,662 01	

Navigable Feeder from Middle Fork of Elkhart River.

Section No.	Chains in length.	cost.	Description of work.
1	81	22,907 25	Guard Lock. Waste Gates.
2	78	15,105 32	Culvert.
3	78	12,936 78	Culvert. Tamarac Branch.
4	78	10,750 32	Culvert.
5	78	5,578 85	2 Culverts.
6	78	4,609 18	Culvert.
7	78	8,170 70	Culvert.
8	78	9,873 74	
9	78	7,001 68	Culvert.
10	54	4,237 70	
		<u>\$101,171 52</u>	

RECAPITULATION.

Cost of the main line,	- - - - -	\$2,061,435 82
do Feeders for supplying summit,	- - - - -	112,833 53
do Reservoirs,	- - - - -	11,450 00
		<u>\$2,185,719 35</u>
Add 10 per cent. for Engineering and contingencies,		213,571 93
		<u>\$2,404,291 28</u>
	Total cost,	\$2,404,291 28

The following message was received from the House of Representatives by Mr. Thompson their member:

Mr. PRESIDENT—

The House of Representatives have adopted the following resolution:

Resolved, That the House of Representatives, (the Senate concurring) will on Wednesday next, at 10 o'clock, A. M. proceed to the election of three members of the Board of Internal Improvement, to fill the vacancies occasioned by the expiration of the term of service of Samuel Lewis, J. G. Clendenin and John Graham.

On motion, the resolution was laid upon the table.

On motion of Mr. Stewart,

Resolved, That the committee of ways and means be instructed to inquire what amendment is necessary, if any, to be made to an act to amend an act entitled an act to provide for an equitable mode of levying the tax of this state, so as to provide by law, some better or more constant mode of compelling pedlars of merchandize to pay tax.

On motion of Mr. Finch,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of directing the Board of Internal Improvement, to cause a survey and estimate to be made for a road upon the McAdam principle, from Kirks, by the way of Frankfort in Clinton county, and thence to Monticello in White county, including in said estimate the necessary bridging and grading.

On motion of Mr. Moffitt,

Resolved, That his Excellency the Governor be requested to transmit to the Senate any correspondence or official documents in his possession relative to the claim of this state for the extension of the grant for the Wabash and Erie canal.

Mr. Brady presented a bill No. 69, entitled a bill for the relief of Lyle McClung and others;

Which being read, on motion of Mr. Crawford, the rules were suspended, and the bill read a 2d time and referred to the committee on claims.

The Senate resumed the orders of the day.

Bill No. 45, a bill to establish a state road therein named;

Which being read a 3d time, passed by consent.

No. 49, a bill to legalize the sale of school section of Congressional township No. 3 east, in Scott county;

Which being read a 3d time, passed by consent.

No. 33 of the House, a bill appropriating part of the 3 per cent. fund in the county therein named;

Which being read a 3d time, passed by consent.

No. 51, a bill to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands;

Which being read a 3d time, passed by consent.

No. 54 of the House, a bill to re-appropriate a portion of the 3 per

cent. fund appropriated in Dearborn county, by an act approved February 4, 1837;

Read a 3d time and passed.

No. 9, a bill to incorporate the West Delphi bridge company;

Read a 3d time and passed.

No. 63, a bill to legalize the sale of school lands in the county of Floyd;

Read a 3d time and passed.

Leave being granted, Mr. Brady from a select committee reports:

That the select committee to whom was referred the bill authorizing the construction of a bridge over White river, and a petition of the Logansport Free Bridge Commissioner, have according to order had the same under consideration, and report that they have made one amendment, that is by striking out said bill from the enacting clause and inserting sections Nos. 1, 2, 3, 4, 5, 6, 7, 8 and 9, to which they ask the concurrence of the Senate.

The Senate concurred in the report.

On motion of Mr. Puett, laid upon the table.

On motion of Mr. Puett, the orders of the day were further suspended, and a bill of the House No. 53, entitled an act declaring Big Raccoon in the county of Parke a public highway, was taken from the table, and on motion, was considered as engrossed, read a 3d time and passed.

On motion of Mr. Trask, bill No. 26, entitled a bill to incorporate the Marion and Mississinawa bridge company, which was indefinitely postponed, was taken up and the vote on the same reconsidered and referred to a select committee of Messrs. Trask, Kennedy & Stanford.

The Senate again resumed the orders of the day.

No. 17, a bill to locate a state road from Bristol, Elkhart county via Middlebury to the Goshen and Lima state road at or near Andrew's Lake in Lagrange county;

Read a 2d time and ordered to be engrossed and read a 3d time on to-morrow.

No. 18, bill amendatory of an act entitled an act for the prevention of frauds and perjuries, approved Jan. 24, 1831.

On motion, the bill was indefinitely postponed.

No. 14, a joint resolution of the General Assembly of the State of Indiana.

Mr. Kennedy moved to lay it on the table,

The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Bowen, Brady, Casey, Cathcart, Daily, Dobson, Finch, Hackett, Kennedy, Mitchell, Puett, Stewart, Turman, Trask, and Tuley—15.

Those who voted in the negative were,

Messrs. Baird of St. Jos., Beard of M., Bell, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Green, Hoagland,

Little, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Sigler, Smith, Stafford, Stanford, Thompson of J., Thompson of L., Thompson of P., Walker, Watts of D. and Vawter—29.

So said motion was lost.

On motion of Mr. Colerick, said resolution was referred to a select committee of Messrs. Colerick, Thompson of L. and Dunning.

On motion, the Senate adjourned.

SATURDAY MORNING, JAN. 6th, 1838.

Senate assembled.

Mr. Crawford presented a petition from T. L. Whitaker, praying a state road from Augusta to Huntington;

Referred to the same select committee to which was referred a petition on the same subject.

Mr. Clark presented a petition from Thomas P. Miller, collector of Tippecanoe county, praying relief, &c;

Referred to the committee of ways and means.

Mr. Ewing presented a petition from Thomas Jackson and others, praying a change in the mode of doing county business, and also a petition from Wm. J. Shields and others on the same subject;

Referred to the committee on ways and means.

Mr. Vawter presented a petition from Elias Conwell and others, praying the location of a state road therein named;

Referred to a select committee of Messrs. Vawter, Smith and Morgan of D.

Mr. Mount presented a remonstrance from Jeffrey Hildreth and others, remonstrating against a petition praying the location of a state road running from the crossing of the Oxford road and the West Fork of White Water, near the town of Laurel, to the mouth of Deer creek;

On motion of Mr. Mount, said petition was taken from the table and referred, together with the remonstrance, to the committee on roads.

Mr. Beard from the committee on roads reports:

That the committee to whom was referred the petition of Isaac H. Wood and others, praying the location of a state road from Richmond in Wayne county, to Fort Wayne in Allen county, have had that subject under consideration and directed me to report a bill,

No. 70, entitled a bill to provide for the location of the Richmond, Spartensburgh and Fort Wayne state road;

Which being read, was passed to a 2d reading on Monday.

Mr. Thompson of P. from the committee on corporations reports:

That the committee on corporations to whom was referred a bill of the House of Representatives No. 44, entitled a bill to incorporate

the Lagro and Wabash bridge company, have duly examined the same and have instructed me to report it to the Senate without amendment, and ask to be discharged from any further consideration thereof.

The committee were discharged.

On motion of Mr. Thompson of P. the bill was read a 3d time and passed.

Mr. Thompson of P. from the same committee reports:

That the committee on corporations to whom was referred a bill of the House of Representatives No. 38, entitled an act to incorporate the Marion Fire Insurance company, have duly examined the same and instructed me to report it to the Senate and ask to be discharged from any further consideration thereof.

The committee were discharged.

On motion of Mr. Brady, read a 3d time; and then,

On motion of Mr. Brady referred to a select committee of Messrs. Brady, Kennedy and Thompson of J.

Mr. Thompson of P. from the same committee reports:

That the committee to whom was referred a bill of the House No. 25, entitled a bill to incorporate the town of New Washington in Clark county, Indiana, have duly examined the same and instructed me to report it to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Daily, the bill was read a 3d time and passed by consent.

The following message was received from the Governor, by his private Secretary, Mr. Maguire:

Mr. PRESIDENT—

I am requested by the Governor to inform the Senate, that he has approved and signed a joint resolution and acts entitled as follows, viz:

No. 59—A joint resolution respecting the extension of the franking privilege;

No. 31—An act to change the name of the town of Middletown;

No. 34—An act for the relief of Joseph Wells;

No. 23—An act to change a part of a state road therein named.

The Senate in pursuance of a joint resolution providing for the election of a public printer to each House of the General Assembly, and fixing the prices and compensation of said officers, approved Feb. 4, 1837, proceeded to the election of printer to the Senate *viva voce*;

Whereupon,

Messrs. Baird of M., Beard of St. Jos., Bell, Bowen, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Tuley, Walker, Watts of D., and Vawter—41 votes being cast for Douglass and Noel.

Mr. Moore voted for G. D. Prentice—1.

Messrs. Thompson of P., and Trask—2 voting for Osborn and Chamberlain.

Messrs. Douglass and Noel having received a majority of all the votes given, were declared by the President, duly elected as printers to the Senate, and to serve as such for the term of 3 years from and after August next.

Mr. Thompson of P. from the committee on corporations reports:

That the committee on corporations to whom was referred a bill of the Senate, No. 48, entitled a bill to incorporate the Logansport Insurance Company have deliberately examined the same, with no predisposition to amend or find fault. But upon a minute and critical examination of its provisions; the committee are of opinion that to grant such an act of incorporation would not only be departing from the precedent, prescribed by the Senate and strictly adhered to heretofore; but would be granting rights and privileges to a body corporate as contrary to the spirit and genius of a government in which one of the most republican features, is, that there shall be no exclusive privileges granted to any man or set of men, either in their individual or corporate capacity as it would be unwise and adverse to public interest. I am therefore instructed to report the bill back and recommend its indefinite postponement, or that it may slumber on the table until the Genius of Freedom shall depart from hence, and ours no longer continue a government of equal rights.

The Senate refused to concur in its indefinite postponement.

On motion of Mr. Ewing, referred to a select committee of Messrs. Finch, Colerick, and Kennedy.

Mr. Thompson of P. from the committee on corporations reports:

That the committee on corporations to whom was referred the petition of James Conwell and other citizens of Franklin county, praying for the legislature to incorporate the Laurel Franklin County Bridge Company, have according to order had the petition under consideration and have instructed me to report the following bill:

No. 71—Entitled a bill to incorporate the Laurel Franklin County Bridge Company;

Which being read, was

On motion of Mr. Mount, the rules being dispensed with, read a 2d time, and ordered to be engrossed and read a 3d time on Monday.

Mr. Stanford from a select committee now reports:

Mr. PRESIDENT—

The select committee to whom was referred a bill,

No. 43—A bill to alter and define the boundary lines of Grant county, report that they have had that subject under consideration, and have made one amendment thereto, which is to strike it out from the enacting clause, and insert the following sections to which they have directed me to ask the concurrence of the Senate.

The Senate concurred in the amendment;

On motion of Mr. Bell the bill was considered as engrossed, read a 3d time now and passed by consent.

On motion of Mr. Stanford,

Resolved, That the committee of Revision be instructed that on revising the road laws the duties required of the circuit courts relative to altering or vacating roads, be transferred to the board doing county business in the several counties.

On motion of Mr. Hoagland,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the propriety of making a liberal appropriation for the purpose of improving the navigation of the Driftwood Fork of White river from its junction with the West Fork up as far as Columbus in Bartholomew county; with leave to report by bill or otherwise.

Mr. Mitchell offered the following resolution:

Resolved, That the Board of Public Works be requested to report without delay, if practicable, a full and complete statement of the amount of funds received from the Fund Commissioners, and what kind of funds, and when received; also, the amount of the salaries of all persons connected with operations under their control; from the principal Engineer, to the axe-man; noting the amount each have received, as also their own pay; and also what kind of funds, the laborers have received, and how much goods in stores have been paid out, and by whom paid to the laborers, and whether any of the Board or Engineers, have been in the habit of paying hands and collecting their debts and selling goods, by such means, and how many.

Mr. Clark moved to strike out all after the word "received" in the 5th line from the bottom.

On motion of Mr. Thompson of L. the resolution and amendment was laid on the table.

Mr. Elliott offered the following resolution:

Resolved, That the committee of ways and means inquire into the expediency of repealing so much of the law as authorizes a premium for wolf scalps out of the state treasury, and report by bill or otherwise.

Mr. Crawford moved to amend by striking out the repealing clause and insert "of allowing a premium on prairie wolf scalps."

On motion the Senate adjourned.

2 o'clock P. M.

Senate assembled.

The Senate resumed the consideration of the resolution offered by the Senator from Wayne relative to repealing the law granting a premium on wolf scalps; and an amendment offered by Mr. Crawford.

On motion of Mr. Ewing, the resolution and amendments were laid on the table.

Mr. Smith introduced a joint resolution,

No. 72—Entitled a joint resolution in relation to the town of Bed-

lord in Lawrence county; which being read, was on motion of Mr. Thompson of L., the rules being dispensed with, read a 2d time;

On motion, referred to a select committee of Messrs. Thompson of L., Smith, and Thompson of P.

On motion of Mr. Thompson of L., the resolution of the Senator from Lawrence relative to changing the probate system, together with the amendment offered by the Senator from Vigo, was taken up for further consideration.

A division of the question being called, the question then was on striking out, the ayes and noes being called.

On motion of Mr. Thompson of L., the resolution and amendment were laid on the table.

On motion of Mr. Thompson of L.,

Resolved, That when the Senate next adjourns it will adjourn to meet again on Tuesday morning next, at 9 o'clock.

Mr. Dunning from the committee on roads, having obtained leave now reports:

Mr. PRESIDENT—

The committee on roads to whom was referred the petition of William Ross, praying relief in relation to a road therein named have had the same under consideration and have directed me to report the following bill, viz:

No. 73—Entitled a bill to amend an act entitled an act to establish and relocate a certain state road therein named, and for other purposes, approved Feb. 3d, 1837.

Which being read, was, on motion of Mr. Dunning, the rules being dispensed with, read a 2d time to-morrow; the rules being further dispensed with, the bill was read a 3d time now and passed.

Mr. Stanford from the committee on enrolled bills reports:

Mr. PRESIDENT—

The committee on enrolled bills now report that they have compared the enrolled with the engrossed bill of the Senate, No. 64, entitled an act for the relief of the collector of the state revenue of Perry county; and find the same truly enrolled.

On motion, Senate adjourned.

TUESDAY MORNING, JAN. 9, 1838.

Senate assembled.

The President laid before the Senate the annual report of the Board of Trustees of the Indiana College.

On motion of Mr. Smith, laid upon the table.

Ordered, That 500 copies be printed.

INDIANAPOLIS, Jan. 9, 1838.

TO THE HON. A. MORGAN,

President pro tem. of the Senate:

Please lay before the Senate the annual report of the Board of Trustees of Indiana College, which is herewith transmitted.

Very respectfully yours, &c.

PARIS C. DUNNING.

To the General Assembly of the State of Indiana:

In compliance with the provisions of the charter of the Indiana College, the Trustees of said Institution respectfully submit their annual

REPORT.

In presenting this report the Trustees cannot refrain from an expression of their deep-felt satisfaction at the increasing prospects and success of the institution; it still continues to gain a firmer hold upon the confidence and affections of the community in the midst of which it is located, nor does this confidence which has been so justly inspired in the public mind from the expanding usefulness and success of the institution, appear to be confined to the immediate vicinity of the College, or to the limits of our own State, it has spread throughout the whole extent (or nearly so) of the valley of the Mississippi. By a reference to the annual catalogue of the officers and students of this institution, it will appear that the number of the students in attendance upon the exercises of the college has been gradually and steadily increasing since its organization; the causes of which the Trustees are confidently induced to believe, may be found, not alone in the peculiar healthfulness of Bloomington (the place of its location,) the morality of her citizens, or the cheapness of boarding, but in the high and well earned literary reputation of the President and Professors of Indiana College.

The Trustees would (as evidence of the flourishing condition of the college,) direct the attention of the legislature to the cheering fact, that the number of students who are in attendance at the institution, who contemplate prosecuting a regular collegiate course of studies, is

much greater than it has been at any previous period since its organization, which fact alone is sufficient to satisfy the most incredulous mind in community of the salutary influence which this institution has exerted, and is yet exerting upon the public mind, both in reference to the ability of the Faculty to impart instruction to those who have capacity to receive it, but likewise in reference to the indispensable necessity of a thorough training and preparation of the youthful mind, preparatory to the successful entrance of an individual upon the broad, active, and expansive theatre of human life. The number of students from distant states has rapidly increased within the last two years, and it is an undeniable though gratifying fact, that many young gentlemen who have pursued their regular collegiate course of studies, in the colleges of adjoining states, until the time of their entrance into the last year of their senior class, have abandoned those colleges, and have, and are availing themselves of the advantages derivable from the institution of the learned President of this institution.

The number of students who were in attendance during the last collegiate year, was one hundred and thirty-seven. At the present session, there are in attendance considerably upwards of one hundred, and many more who intend returning have not yet arrived. The Trustees would here remark, that the number in attendance during the winter session, is never so great as in the summer session, for which they are unable to assign any particular reason.

The trustees of the college have within the past year, (owing to the great increase in the number of the students, who desire to prosecute a regular collegiate course of studies, as well as to provide for the proper accommodation of those who are classed as irregulars,) been induced to add to the Faculty, two professorships; one of *mixed* mathematics and Chemistry, which has been filled by the election of Mr. Theophilus A. Wylie, a graduate of the Pennsylvania University, (at Philadelphia,) a gentleman eminently qualified for the station. The other of Greek and French languages; necessary branches of English literature, arithmetic, grammar, book-keeping, &c. which is filled by Mr. Augustus W. Ruter, a gentleman of high order of talents, who is in part assisted by Professor Parks, whose urbane manners, age, experience and talents eminently qualify him for the discharge of all the duties incumbent on him, in this department, but also as the regular professor of languages. The other studies heretofore pursued, are rigorously enforced by the faculty.

The government adopted in the institution, is in its character parental, imitating as far as practicable, the government of a father over his family; experience has in part confirmed the trustees in the belief of the propriety of this plan of governing the students, more particularly the older class of them: it is believed that no more effectual plan for forming a good moral character in youth, and habits of industry and attention to any department of business, can be adopted, than that which appeals directly to the interest, duty, reason, honor and virtuous emulation of an individual, which are deemed to be the most correct principles upon which young gentlemen can base their character,

and regulate their intercourse with the community. In furtherance of this most desirable object, the Board of Trustees have, in addition to the preceding form of government, made it the duty of the President of the faculty, (commencing sometime anterior to the present time,) to deliver a public discourse or lecture, on some moral or religious subject, on each Sabbath day, in the college chapel, to the students, who are recommended to attend. It is, however, not made an imperative duty on them to do so. The President understanding the views of the Board of Trustees on this subject, carefully abstains from the inculcation of any sectarian principles or doctrines. This course in connection with other measures, which have been adopted, has produced, and is producing upon the students, the happiest effects in forming a character for correct moral deportment, and a rigid attention to study: in which particulars it is confidently asserted that the students in this Institution are not *excelled*, if *equalled*, by those of any other in the Union.

The charter of the college clearly prohibits the teaching, or inculcation either directly, or indirectly, of any religious sectarian principles. This provision has been strictly complied with: sectarianism in the remotest degree being excluded from the public or private instructions and discourses of the faculty. The public discourses and private sentiments of the President in particular, will, it is believed, shield him from any imputation of that kind. The hatred which all *bigots* bear to him, being the best testimonial in his behalf in this matter.

The Trustees would here remark, that the public discourses delivered by the president to the students on each Sabbath day, are numerous attended by the members of other denominations of Christians in Bloomington and its vicinity, whenever it is convenient for them to attend, and that no complaint has ever reached them in relation to the manner in which the president discharges his duty in reference to this particular provision of the charter; upon the contrary, the trustees are induced to believe that it is one of the strongest evidences of the propriety of the course which they have adopted. Nor would they have been thus minute on this subject, but for the fact that prejudices have heretofore existed in the public mind against Indiana College, in relation to this particular subject; in view of this they deem it their imperious duty, to defend the character of the Institution from the malign influence, which such prejudices are calculated to exert over its growing prospects and usefulness.

It is a source of great pleasure to the Board of Trustees that they are enabled to announce to the public, and especially to the patrons of the college, the pleasing intelligence that the college library is at this time quite respectable. In addition to many valuable works which were previously on hand, there are added many more; during the past year fifteen hundred dollars was appropriated to the enlargement of the College Library and apparatus. By the agency of the President an addition has been made of books selected with great care in the Eastern cities, of a character admirably suited to stimulate, and gratify, a taste for the solid standard works of literature and science.

In addition to the regular course of studies pursued in the college, the students are divided for the performance of what are usually termed "Saturday's exercises," into three departments; the more advanced students in the department immediately under the tuition of the President, engage in composition, declamation, delivering extempore (or with the aid of pre-meditation only) original speeches, debating and rhetorical reading.

There are also two literary societies each composed of about thirty members, (students,) of the more advanced character, who spend one evening in each week in exercises similar to the "Saturday exercises." Each society has furnished itself with a very handsome library of choice and select books, the exercises of the respective societies have had an astonishing effect in eliciting a laudable ambition amongst the members and other students, to excel in the improvement, and cultivation of their intellectual powers.

The Board of Trustees have appointed a committee composed of members from their own body, whose duty it is (in connection with such other members of the Board as may see cause) to attend the semi-annual examinations, and other exercises of the students of the college; it was thought by the Board that such a course would not only operate as a stimulus to the students to excel in their studies, but likewise enable them to ascertain the proficiency of professors and students in their various departments; the Board would further state that they cannot let the present opportunity pass without bearing their testimony to the honorable manner in which the students underwent their examinations at the last annual college commencement; it would have been particularly gratifying to the true patriot, and more especially to every Indianian could he have heard the classical and eloquent speeches delivered by the young gentlemen who graduated upon that occasion, many of whom are the sons of citizens of Indiana.

From the liberal legislation extended to the college by the General Assembly of the State within the last two or three years, the Board of Trustees have been enabled to secure an available fund, (accruing from the sales of certain sections of the reserve lands) equivalent to twenty-five or thirty thousand dollars, which fund is exclusive of what has usually been termed the "permanent college fund," which is in the hands of the Treasurer of State, who is the Superintendant of the Loan Office and the interest of which alone was applicable to the use of the college. By a special resolution adopted at the last September session of the Board of trustees, it was determined by said Board not to use any of the interest accruing on the permanent fund of the college, until the principle and accruing interest should amount to one hundred thousand dollars. This desirable object, we think, may be accomplished within five years, and still leave at the command of the Board a fund sufficient, with the small tuition fees paid by the students, to pay the President and Professors of the college, their usual salaries, erect the necessary buildings which may be needed, and enlarge the library and college apparatus.

Boarding can be obtained in moral and respectable families in the town of Bloomington and its vicinity at a price varying from \$1 50 to \$2 per week, in view however, of the increasing number of students, and fearing some difficulty might in future arise in obtaining comfortable boarding, the Board of Trustees have caused to be erected a large two story brick building, sufficient (when finished) to accommodate forty or fifty persons. The building will be completed in May next, and the necessary arrangements have been made for the reception at that time of such as may desire to avail themselves of its advantages. The adoption of this plan it is believed will prevent any difficulty either in obtaining the necessary accommodations for students, or increase in the price of the same.

The health of the students has been excellent, not a solitary case of severe indisposition, having occurred within the past year.

Congress, ever mindful of the interest of the great body of the people, being desirous to diffuse the genial influence of education throughout the community, did by the second proposition of the sixth section of an act of Congress, approved April 19th, 1816, entitled "an act to enable the people of the Indiana territory, to form a Constitution and state government, and for the admission of such state into the Union, on an equal footing with the original states: Provided that all the Salt springs within the said territory, and the lands reserved for the use of the same, together with such other lands as may, by the President of the United States, be deemed necessary and proper for working the said Salt springs, not exceeding in the whole, the quantity contained in thirty-six entire sections, shall be granted to the said state, for the use of the people of said state, and the same to be used under such terms, conditions and regulations as the legislature of the said state shall direct. And, whereas, Congress did subsequently by an act of said board, approved July 3d, 1832, authorize the legislature of said state to dispose of said lands, and apply the proceeds thereof to the purposes of education in said state. And whereas, the legislature of the state did by an act, approved Feb. 2d, 1833, authorize commissioners, clothed with authority to sell said lands with a view to raise funds for the purposes contemplated by the original donors. And whereas, said lands have been sold and the funds accruing from said sale have not by any act of the legislature of said state been definitely appropriated to any specific object. The Board of Trustees would most respectfully suggest to your honorable body the propriety of appropriating said funds to the endowment, and establishing of a permanent professorship in the Indiana College, with the view of educating and preparing young men, free of any tuition fee, to become teachers in the primary schools of the state.

The Board of Trustees are aware that they may by this recommendation, subject themselves to the charge of cupidity, in the estimation of some portions of the community, who may feel some jealousy towards this institution. They nevertheless, confidently believe that the fund could not be disposed of in any manner, so well calculated to carry out, so effectually, the liberal views and intentions of Congress.

and the act of the State Legislature, as the one herein suggested. If arguments were needed to prove the correctness of the foregoing position, they can be adduced. It is a fact which cannot be successfully controverted, that the foundation of a good education must be early laid in the youthful mind, and that this object, as a general rule is to be accomplished, or missed, in the incipient stages of instruction, which first commences in the primary schools of the country. How important, then, is it to lay well the foundation, if you desire the superstructure which is to be erected thereon, to be durable. If this recommendation of the board, should meet with the favorable consideration of the Legislature, the board do most confidently believe, that within the short space of ten years, the State of Indiana will be furnished with a sufficient number of competent teachers for all the primary schools of the State, than which a more gratifying and useful object cannot be attained.

In concluding this report, which has already been protracted, and minute, (and the only apology for which is, an earnest desire on the part of the Board, to place within the knowledge of the Legislature, a true and faithful exposition of the condition of that institution, which we ardently hope and believe will, with prudent management, become the ornament of the State, and prove a lasting monument of the wisdom of its founders,) we cannot without a dereliction of duty fail to recommend to your honorable body, the propriety of granting a charter incorporating it as a State university: this measure we deem of importance, not from the consideration alone, that we believe it was contemplated by the framers of our most *excellent constitution*, that the Legislature should, at as early a time as convenient, establish a State University; but from the fact of the tendency of such a measure, to diffuse information over every portion of our community; to extend the sphere of its usefulness, and to improve the moral and intellectual condition of the human family, by which means more than all others combined, are we to expect a perpetuity of those inestimable blessings of civil and religious liberty, arising from our present happy republican form of government.

PARIS C. DUNNING,

Chairman of the committee of the board.

The president also laid before the Senate a communication from the Board of Fund Commissioners, in answer to a resolution of the Senate, relating to the defalcation of David Burr.

On motion of Mr. Thompson of L., laid on the table.

Mr. Clark presented a petition from John White, James P. Ellis and James W. Holliday, commissioners of Tippecanoe county, in behalf of John McCormick, as supervisor in said county; referred to a select committee of Messrs. Clark, Finch and Colerick.

Mr. Stanford from the committee on enrolled bills, reports,

Mr. PRESIDENT—

The joint committee on enrolled bills, now report that they have compared the enrolled with the engrossed bills of the House of Representatives, No. 11, entitled, act for the relief of Jonathan Parks:

No. 22, entitled, an act to legalize the acts of Moses Gray, as recorder of Scott county, under the appointment of the associate judges of the said county; and

No. 28, entitled, an act on the subject of appropriation of the three per cent. heretofore appropriated to Orange county, and find them truly enrolled.

Mr. Thompson of L. presented a petition from Abraham Jones; which on motion, was laid on the table.

The president laid before the Senate a communication from the State Board of internal improvements, in answer to a resolution of the Senate, requiring information relative to the recent expenditure on the Michigan Road.

On motion of Mr. Ewing,

Referred to the same select committee as was referred the document of the Michigan Road commissioner.

Leave being granted, Mr. Cathcart offered the following resolution:

Resolved, That the committee of revision be requested to take into consideration the views of the citizens of Laporte county, as expressed in the annexed report of the proceedings of said citizens, in relation to the common school law of the State of Indiana, and to take such action upon the same, as may in their opinion be most advisable. The resolution was adopted by consent.

Mr. Baird of St. Jos. presented a petition from Alanson Crocker, relative to common schools.

On motion of Mr. Ewing,

Referred to the committee on education.

Mr. Bell presented a petition from William Miller and others, praying the location of a State road therein named.

Referred to a select committee of Messrs. Bell, Cole and Stanford.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Turman presented a petition from Asaph Hill, praying the location of a state road therein named.

Referred to a select committee of Messrs. Turman, Bowen and Puett.

Mr. Hoagland presented a petition from Isaac Kimberlin, praying the enactment of a law authorizing the collector of Clarke county to make a deed for certain lands therein named.

Referred to the judiciary committee.

Mr. Elliott from the committee of ways and means reports:

MR. PRESIDENT—

The committee of ways and means to whom was referred a resolution to inquire into the expediency of reporting a joint resolution and memorial, instructing our Senators and requesting our Representatives in Congress to use their influence in obtaining for the State of Indiana the right of pre-emption at the minimum price to the lands lately acquired of the Miami Indians, have had the same under consideration and have directed me to report the following joint memorial and resolution:

No. 74, a memorial and joint resolution relative to the public lands in the State of Indiana;

Which being read, was, on motion, the rules being dispensed with, read a 2d time; the rules being further dispensed, the resolution was read a 3d time and passed.

Mr. Elliott from the same committee reports:

That the committee of ways and means to whom was referred a resolution to inquire into the expediency of so amending the revenue law, so as to compel pedlars of clocks to pay a license, have had the same under consideration and have directed me to report the following bill:

No. 75, entitled a bill to amend an act entitled an act to amend an act entitled an act to provide for an equitable mode of levying the taxes of this state, approved Feb. 8, 1836;

Which being read, was on motion, the rules being dispensed with, read a 2d time and referred to the committee of revision.

Mr. Trask from a select committee reports:

That the select committee to whom was referred a bill incorporating the Marion and Mississinawa bridge company, have examined the same and instructed me to make four several amendments, in which the concurrence of the Senate is asked.

The amendments having been read were severally concurred in by the Senate.

On motion of Mr. Trask, the bill was considered as engrossed, read a 3d time and passed.

Mr. Stewart from a select committee reports:

That the select committee to which was referred the petition of Nathaniel B. Oliphant and others, praying for a state road therein named, have had the same under consideration and have directed me to report by bill:

No. 76, a bill to locate a state road therein named;

Which being read, was, on motion of Mr. Dunning, the rules being dispensed with, read a 2d time, and, on motion of Mr. Stewart, the rules were further dispensed, the bill was read a 3d time and passed.

On motion of Mr. Elliott, the resolution of the Senator from Lawrence and the amendment offered by the Senator from Vigo relative to the probate system, were taken up for further consideration.

Mr. Smith proposed to amend the amendment by striking out from the words "probate judges" in the first line, and insert "by the qualified voters of the county, one probate judge for each, provided that no person shall be qualified to fill said office, except such person shall first obtain a certificate of qualification from some supreme or circuit judge; which was accepted.

Mr. Thompson of L. proposed further to amend by adding "after an actual examination by said judge of his legal qualifications;"

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Bradbury, Casey, Colerick, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hoagland, Kennedy, Moore, Morgan of D., Sigler, Stafford, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, and Watt of U.—25.

Those who voted in the negative were,

Messrs. Beard of Montgomery, Bell, Bowen, Brady, Cathcart, Chambers, Clark, Cole, Crawford, Daily, Hackett, Little, Mitchell, Moffitt, Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Watts of D. and Vawter—22.

So said amendment to the amendment was adopted.

Mr. Smith then proposed to strike out from the amendment to the amendment of the Senator from Vigo, all that part which provides for an examination before a supreme or circuit judge, as to the qualification of the applicant; the ayes and noes being called,

Those who voted in the Affirmative were,

Messrs. Bell, Brady, Cathcart, Chambers, Clark, Crawford, Daily, Hackett, Little, Mitchell, Moffitt, Morgan of R., Puett, Smith, Stanford, Stewart, Watts of D. and Vawter—18.

Those who voted in the Negative were,

Messrs. Baird of St. J., Beard of M., Bowen, Bradbury, Casey, Cole, Colerick, Dobson, Dunn, Dunning, Elliott, Finch, Green, Hoagland, Kennedy, Moore, Morgan of D., Mount, Sigler, Stafford, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker and Watt of U.—29.

So said motion to strike out was negatived.

The question then recurred on striking out the original resolution; The ayes and noes being called,

Those who voted in the Affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Cathcart, Chambers, Clark, Crawford, Daily, Dobson, Dunn, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Mount, Puett, Smith, Stanford, Stewart, Turman, Tuley, Walker, Watts of D. and Vawter—29.

Those who voted in the Negative were,

Messrs. Bradbury, Casey, Cole, Colerick, Dunning, Elliott, Ewing, Finch, Kennedy, Moore, Morgan of R., Sigler, Stafford, Thompson of J., Thompson of L. Thompson of P., Trask, and Watt of U.—18.

So said resolution was stricken out.

Mr. Sigler moved to strike out from the words "as follows" all the amendment as offered by the Senator from Vigo and insert "to provide for the transference of all probate business to the circuit courts."

On motion, the Senate adjourned.

WEDNESDAY MORNING, JAN. 10, 1838.

Senate assembled.

The President laid before the Senate a report from the State Board of Public Works, in answer to a resolution of the Senate, requiring information as to the incidental expenses of the Public Works.

On motion of Mr. Cathcart, laid on the table.

Ordered, that 1000 copies be printed.

On motion of Mr. Mitchell the resolution asking for this information was ordered to be printed and annexed to the printed report of said Board.

SENATE, January 1st 1838.

On motion of Mr. Cathcart,

Resolved, That the State Board of Internal Improvement be requested to furnish the Senate with a statement of the amount of costs of all kinds, incidental upon the prosecution of the public works under their charge up to this time, as near as convenient, other than the amount of contract prices, specifying the amount paid and the amount due under the following heads, viz:

- 1st. For services of the Board and expenses of the same; ~
- 2d. " Engineers and expenses of the same;
- 3d. " Assistants to Board and Engineers and expenses of the same;

are given
ent, except
will also be

seen by the statement marked C, accompanying this report, in which is given the whole number of Engineers now in the service of the state, their grades and pay, and the aggregate amount of the expense of this branch of the service, including the pay of the commissioners.

To the fourth inquiry, the Board beg leave to say, that they are not aware of any other information in their possession, coming within the purview of the inquiries of the Senate, further than given, except that

Those who voted in the Affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bowen, Brady, Cathcart, Chambers, Clark, Crawford, Daily, Dobson, Dunn, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Mount, Puett, Smith, Stanford, Stewart, Turman, Tuley, Walker, Watts of D. and Vawter—29.

Those who voted in the Negative were,

Messrs. Bradbury, Casey, Cole, Colerick, Dunning, Elliott, Ewing, Finch, Kennedy, Moore, Morgan of R., Sigler, Stafford, Thompson of J., Thompson of L. Thompson of P., Trask, and Watt of U.—18.

So said resolution was stricken out.

Mr. Sigler moved to strike out from the words "as follows" all the amendment as offered by the Senator from Vigo and insert "to provide for the transference of all probate business to the circuit courts."

On motion, the Senate adjourned.

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- 1st. For services of the Board and expenses of the same; ~
- 2d. " Engineers and expenses of the same;
- 3d. " Assistants to Board and Engineers and expenses of the same;

A

TABULAR STATEMENT of Moneys expended by the State Board of Internal Improvement, from the 1st December, 1836, to 30th November, 1837, showing on what line, by whom, and the amount, distinguishing the items for *Construction*, and for *Contingencies*.

ON WHAT WORK EXPENDED.	BY WHOM EXPENDED.	Amount paid for construction.	Amount paid for contingencies proper.	Amount paid for other contingencies.	Total amount expended.	
Wabash & Erie canal between Tippecanoe and same, south of Tippecanoe, same, east of Huntington, Erie and Michigan canal,	James B. Johnson, - - - - same, - - - - Samuel Lewis, - - - - same, - - - -	\$248,045 27 75,930 90 18,039 86	\$12,080 96 2,220 99 3,056 80	a 1,058 85 b 33 87 c 515 56 d 7,073 05½	\$261,185 08 78,185 76 21,612 22 7,073 05½	a For damages for right of way. b Chargeable to the year 1835. c For selling land, &c. d Surveying and locating only, and camp equipage.
White Water canal, - - - -	Elisha Long, - - - -	217,013 06	8,435 08	e 3,075 27	228,553 41	e Surveying Cross-Cut canal from Central to White Water canal.
Central canal, Indianapolis Division, -	Daniel Yandes, - - - -	210,177 71	6,406 35	f 2,864 12	219,448 18	f Right of way and survey of Cross-Cut canal to White Water, and survey S. of Bluffs.
same, Southern Division, - -	John A. Graham, - - - -	87,322 00	5,133 24	g 2,536 78	94,992 02	g Surveying and locating from Big Pigeon summit to Eel river.
Madison and Lafayette rail road, -	John Woodburn, - - - -	337,905 94	7,542 41	h 1,707 22	347,153 57	h Surveying between Crawfordsville and Lafayette and damages for right of way.
Cross-Cut canal, - - - -	Thomas H. Blake, - - - -	72,819 70	6,979 76	i 1,500 00	81,299 46	i Continuing survey, and purchase of lands and instruments.
New Albany and Vincennes M'Adamized Road,	John G. Clendenin, - - - -	160,457 56¾	7,733 22¼	j 1,470 85	169,651 64	j Surveying and locating West of Paoli and purchase of instruments.
Jeffersonville and Crawfordsville road,	David H. Maxwell, - - - -	83,085 30	2,000 00	k 7,703 69	92,788 99	k For the extended survey to Crawfordsville.
Wabash river—Grand Rapids, - - -	Thomas H. Blake, - - - -		426 72	l 380 62	807 34	l Surveys, opening quarries, &c.
General contingencies, - - - -	David H. Maxwell, as Prest. of the Board,	1,510,817 30¾ n 2,464 00	62,015 53 8,700 00	29,919 88¾ m 4,057 22	1,602,752 72¾ 15,221 22	m For the purchase of instruments, advertising lettings, furniture for office, &c. n Paid for patent paddle gates for Locks, which amount is chargeable to construction, the contractors being bound to reimburse.
	Total,	1,513,281 30¾	70,715 53¼	33,977 10	1,617,973 94	

TABUL

30thment, from the 1st December, 1836, to
gence items for *Construction*, and for *Contin-*

ON total amount expended.		
Wabash & E		
same,	31,185 08	a For damages for right of way.
same,	78,185 76	b Chargable to the year 1835.
Erie and Mic	21,612 22	c For selling land, &c.
	7,073 05	d Surveying and locating only, and camp equip-
White Water		page.
	28,553 41	e Surveying Cross-Cut canal from Central to
Central canal,		White Water canal.
	19,448 18	f Right of way and survey of Cross-Cut canal to
same,		White Water, and survey S. of Bluffs.
	94,992 02	g Surveying and locating from Big Pigeon sum-
Madison and		mit to Eel river.
	147,153 57	h Surveying between Crawfordsville and Lafay-
Cross-Cut can		ette and damages for right of way.
	81,299 46	i Continuing survey, and purchase of lands and
New Albany		instruments.
	69,651 64	j Surveying and locating West of Paoli and pur-
Jeffersonville		chase of instruments.
Wabash river-	92,788 99	k For the extended survey to Crawfordsville.
	807 34	l Surveys, opening quarries, &c.
General contin	02,752 72	
	15,221 22	m For the purchase of instruments, advertising
		lettings, furniture for office, &c.
		n Paid for patent paddle gates for Locks, which
	317,973 94	amount is chargeable to construction, the con-
		tractors being bound to reimburse.

On mc

Resolv

ted to furnish the Senate with a return

all kinds, incidental upon the prosecuti

their charge up to this time, as near as convenient, other than the a

mount of contract prices, specifying the amount paid and the amount
due under the following heads, viz:

1st. For services of the Board and expenses of the same;

2d. " Engineers and expenses of the same;

3d. " Assistants to Board and Engineers and expenses

of the same;

4th. Any amount or amounts paid or due for any item or items not under the three last heads, but within the range of inquiry or purview of the first part of this resolution.

WM. H. MARTIN, *Asst. Sec. Sen.*

January 10th, 1838.

OFFICE OF STATE BOARD INTERNAL IMPROVEMENT, }
Indianapolis, Jan. 9, 1838. }

To the Senate of Indiana:

The State Board of Internal Improvement herewith transmits to the Senate, a statement in tabular form marked A, of the amount of money expended on the various lines of public works, during the past year, showing what for *construction*, and what for *contingencies*.

Under the head "contingencies proper" are included all those items that are immediately connected with the service, and that may annually accrue, under the present system of arrangement, such as pay to the commissioners, engineers, assistants, &c. &c. Under that of "other contingencies," those that may not again occur, such as extended surveys ordered by the General Assembly or the Board, of works not yet under contract, damages claimed for right of way, camp equipage, purchases of land for hydraulic purposes, leveling and surveying instruments, and the like. By "general contingencies," is meant the salary of the Principal Engineers and Secretary of the Board; and the amount paid for advertising notices of letting, stationary, fuel and furniture, for the offices of the Engineers and the Board, including instruments for the Engineer department, &c.

In answer to the four particulars presented in the Senate's resolution of the 2d inst. the Board would respectfully state:

1st. That "the services of the Board" and of the members composing the Board, as required by law, are continued throughout the year; and that the pay of the same is \$2 00 per day to each member, and \$1 50 per day for expenses.

2d. That the "services and expenses of Engineers," of and below the grade of Residents, are specified and designated in the printed document herewith sent, marked B; to which the Board would respectfully refer the Senate, for more minute information in reference to this branch of the call, than can be otherwise given.

3d. The "services and pay of assistants to the Engineers" are given in the same document. The Board, as such, has no assistant, except its Secretary, whose salary has been before reported, and will also be seen by the statement marked C, accompanying this report, in which is given the whole number of Engineers now in the service of the state, their grades and pay, and the aggregate amount of the expense of this branch of the service, including the pay of the commissioners.

To the fourth inquiry, the Board beg leave to say, that they are not aware of any other information in their possession, coming within the purview of the inquiries of the Senate, further than given, except that

the expenses of all the agents above enumerated, being included in the statement first referred to, are allowed for and covered by the estimates of the cost, of the several works, by an item of ten per centum which are uniformly added to the estimated cost, to cover contingencies; and by referring to the amount expended for construction, it will be readily seen, that the contingencies of all kinds fall far below the per centum allowed for them.

Respectfully submitted,

D. H. MAXWELL,

Pres. Board Int. Imp't.

(Here follows table A.)

B.**ARRANGEMENTS**

Of the Corps of Engineers for the Superintendence of Canals, after they shall be placed under contract.

Each resident Engineer shall have charge of such portion of line as the Board may direct, varying in length, generally, from 20 to 40 miles; which may be termed a *residency*.

Such residency shall, for the purpose of superintendence, be divided into districts of 10 to 15 miles in length, having reference to the difficulty of the work, the number of locks, dams, &c. each of which district shall be termed an Assistant's Division, and will require the undivided and assiduous attention of an assistant Engineer, with a leveling party, under his direction, to consist of one Rodman and one Axeman.

In assigning the assistants to the several divisions, those most experienced and best qualified shall be placed upon the particular divisions, which embrace the most difficult work, and those of less experience, on the lighter work.

There shall be three grades of assistant Engineers, viz: senior Assistant, Assistant, and junior Assistant. Those whose long service, and superior qualifications, entitle them to it, will be placed in the first grade; those of less experience in the middle grade, and those of still less experience, in the third grade, to be determined by the Acting Commissioner, so as to do equal justice to all. By this arrangement, some of the residences, may have one or more senior Assistants, while others may have none of so high a grade, depending upon the degree of experience and qualification of the Assistants belonging to the line.

There will also be three grades, viz: senior Rodman, Rodman, and junior Rodman, and the particular grade in which each rodman, engaged on the line shall be placed, will be determined by the acting Commissioner, with reference to the qualifications and the length of time he may have been in service, so as to do justice to all.

In addition to the number of assistants, rodmen, &c. here given, the resident Engineers, with the approbation of the Acting Commissioner, may employ additional assistants or hands for short periods, to superintend in detail, the laying and grouting of the locks, aqueducts, culverts, the building of dams or other important structures, laying foundations, &c., whose compensation shall correspond with that fixed to other members of the corps, in proportion to their services rendered.

DUTIES OF THE SEVERAL ENGINEERS.

The resident Engineer will act under the general direction and advice of the acting Commissioner and the principal Engineer.

The several assistant Engineers, on the same residency, will be entirely independent of each other, but will be responsible to and act under the direction of the Acting Commissioner, and resident Engineer.

The general duty of each assistant Engineer, will be to lay off and calculate the content of the excavation and embankment, together with the various mechanical structures, to give constant superintendence to every variety of work, during its construction, and to see that the whole is performed in a faithful manner agreeably to the plans and specifications. It is expected that the Assistant will at all times, be found on his line whilst the work is progressing, and that he will attend personally to the duty of using the level and laying off work, and not confide this duty to any other member of his party except in cases of necessity. During inclement weather, when the contracts are suspended, his time can be occupied in drawing plans, and bringing up his computations.

It will be expected that the Residents, in addition to the duty of giving to the work a vigilant supervision, will revise the computations of the Assistants, attend to the detail of making the the monthly estimates, and make up and certify to the final account of each contract.

COMPENSATION.

Salary of resident Engineer, including all expenses, per annum \$1500

A senior Assistant shall, as salary, receive \$55 per month	660
Also, for boarding and other expenses, \$ per week	260
Total yearly pay	920
An Assistant shall receive as salary \$45 per month	540
Also, for boarding \$3 per week	156
Total yearly pay	696
A junior Assistant shall receive \$35 per month	400
Also, for boarding, \$3 per week	156
Total yearly pay	556
A senior Rodman shall receive as salary \$25 per month	300
Also, for boarding, \$3 per week	156
Total yearly pay	456
A Rodman shall receive as salary, \$20 per month	240
Also, for boarding, \$3 per week	156
Total yearly pay	396
A junior Rodman shall receive as salary, \$16 per month	192
Also, for boarding \$3 per week	156
Total yearly pay	348

Axemen will be paid such wages as are common in the country, with the ordinary allowance for boarding.

The salary and allowance for boarding, here specified, will constitute the whole compensation. Horse hire or horse-keeping, stage fare, travelling expenses, &c. will not be paid, except in cases of extraordinary necessity.

LOCATING SERVICE.

A locating party, in addition to the Engineer who directs the survey, will require two assistants, one to carry the level and the other the compass; and also two rodmen and two chainmen, with the necessary axemen, each of whom will be placed in such grade as the acting commissioner may think proper, with reference to their experience, &c., and will receive the compensation affixed to that grade.

Adopted by the State Board of Internal Improvement, 28th December, 1836.

JAMES MORRISON,
Sec'y of the Board.

NOTE.—The grades and pay fixed as above, are by resolution of the Board subject to be changed, at the discretion of the several Acting Commissioners, "in case of exigency."

J. MORRISON.
Sec'y.

C

Statement showing the number of Engineers, Assistant Engineers and Attendants in their employ, pay, and aggregate amount of the expenses of the State Board of Internal Improvements; including the compensation allowed to the members of the Board, and all its officers of every grade.

1 Principal Engineer, at a salary per annum of	- - - - - \$4,000 00	\$4,000 00
1 Secretary	- - - - - 1,000 00	1,000 00
12 Resident Engineers, at	- - - - - 1,500 00	18,000 00
7 Senior Assistants	- - - - - 920 00	6,440 00
12 Assistant do.	- - - - - 696 00	8,352 00
11 Junior do.	- - - - - 556 00	6,116 00
24 Rodmen, [average]	- - - - - 400 00	9,600 00
20 Axemen, do.	- - - - - 300 00	6,000 00
9 Members of the Board	- - - - - 1,277 50	11,497 50
		\$71,005 50

Mr. Beard from the committee on roads reports:

Mr. PRESIDENT—

The committee on roads to whom was referred the petition of Thomas Roberts and others, citizens of Franklin county, praying the establishment of a state road in said county, and also the remonstrance of Briant Senior and others against the same, have had that subject under their consideration, and directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration of the same.

The committee were accordingly discharged.

Mr. Brady from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the House, No. 38—To incorporate the Indianapolis fire engine company, have according to order had the same under consideration, and have made one amendment thereto, to-wit:

Strike out the words, "county poll" in the 6th line of the 3d section and insert the following, "poll tax for county purposes:" to which they ask the concurrence of the Senate.

The Senate concurred in the amendment.

Mr. Clark moved further to amend by inserting in the 9th line of section 3d after the word "duties," "except in cases of insurrection or invasion;" Which was agreed to.

On motion, the amendments were considered as engrossed, and the bill read a 3d time.

On motion of Mr. Dunn, re-committed to the same committee, with instructions to so amend, as that all that part which relates to road tax be stricken out.

Mr. Cole from a select committee reports:

That the select committee to which was referred a bill No. 58, entitled a bill to locate a state road in the county of Boon, have had the same under consideration and directed me to report it to the Senate without amendment.

On motion of Mr. Cole, the bill was considered as engrossed, read a 3d time and passed by consent.

Mr. Crawford moved to take up the message from the table relative to an election of 3 members to fill vacancies in the Board of Public Works.

On motion the Senate adjourned.

2 o'clock, P. M.

Senate Assembled.

The Senate resumed the consideration of the motion of the Senator from Elkhart;

The question being on taking up from the table the message from the House; the ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Beard of M., Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Hoagland, Kennedy, Sigler, Stafford, Thompson of J., Tuley, and Vawter—20.

Those who voted in the negative were,

Messrs. Baird of St. J., Casey, Cathcart, Daily, Dobson, Ewing, Finch, Green, Hackett, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Turman, Thompson of L. Thompson of P., Trask, Watts of D., and Watt of U.—26.

So said message was not taken up.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill thereof, entitled,

No. 64—An act to amend an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836; In which the concurrence of the Senate is respectfully requested.

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives,

No. 11—An act for the relief of Jonathan Parks;

No. 22—An act to legalize the acts of Moses Gray as recorder of Scott county, under the appointment of the associate judges of the said county;

No. 28—An act on the subject of the appropriation of three per cent. fund heretofore appropriated to Orange county; and of the Senate,

No. 64—An act for the relief of the collector of the state revenue of Perry county;

I am directed to bring them to the Senate for the signature of its President.

Bill No. 64, entitled a bill to amend an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836;

Which being read, was ordered to a 2d reading on to-morrow.

Bills Nos. 11, 22 and 28 mentioned in the message, having been signed by the President, were handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives by Mr. Elliott their Clerk.

Mr. PRESIDENT--

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives, entitled,

No. 27, an act to authorize the board of commissioners of Kosciusko county to recover the amount of certain three per cent. fund heretofore appropriated to that county;

No. 29, an act authorizing the sale of a certain house and lot in the county of Washington;

I am directed to bring them to the Senate for the signature of the President thereof.

The House of Representatives have passed an engrossed bill thereof entitled,

No. 107, an act to locate the seat of justices of Wells county;

In which the concurrence of the Senate is requested.

The House of Representatives have concurred in the amendment of the Senate to the engrossed bill of the House, entitled,

No. 53, an act to declare Big Rackoon creek in the county of Parke a public highway.

Bill No. 107, entitled a bill to locate the seat of justice of Wells county; which being read, was referred to a select committee of Messrs. Colerick, Kennedy and Ewing.

The President having signed bills Nos. 27 and 29, they were handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives by Mr. Owen their member:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the House of Representatives, entitled,

No. 142—An act to provide for the improvement of the Wabash river; in which the concurrence of the Senate is respectfully requested.

Bill No. 143, contained in the message, being read, was ordered to a 2d reading on to-morrow.

Leave being granted, Mr. Ewing introduced a bill, No. 78, entitled a bill for the relief of Samuel Ward; which being,

On motion of Mr. Ewing,

The rules being dispensed with, the bill was read a second time;—and—

On motion of Mr. Moore,

The rules being further dispensed with, the bill was read a third time, and passed by consent.

Mr. Colerick from the select committee, reports,

Mr. PRESIDENT—

The school committee to whom was referred sundry petitions from Ralph Hardenbrook and others, have had the same under consideration, and directed me to report the following bill, in accordance with the prayer of the petitioners:

A bill, No. 79, entitled, a bill to locate a State road from Augusta in Noble county to Huntington, in Huntington county, and for other purposes; which being read,

On motion of Mr. Clark,

The rules were suspended, and the bill read a second time. Mr. Colerick, proposed to amend the last line of the 4th section, which was agreed to.

Ordered, To be engrossed, and read a third time to-morrow.

Mr. Brady, from a select committee, reports,

That the select committee to which was re-committed a bill, No. 38, entitled, a bill to incorporate the Indianapolis Fire Engine Company, have had the same under consideration, and have amended it according to instruction, to wit, by striking out the word "taxes," and insert the following: "tax for personal privileges." The Senate concurred in the amendment.

Ordered, To be engrossed and read a third time to-morrow.
Mr. Clark, from a select committee, reports,

MR. PRESIDENT—

The select committee to whom was referred the petition of the commissioners of Tippecanoe county, have instructed me to report herewith a bill, in pursuance of the prayer of said petitioners, a bill No. 80, entitled, a bill to authorize the board doing county business in Tippecanoe county, to make a certain payment, therein described.

Which being read, was ordered to a second reading on to-morrow.

The previous orders of the day being postponed—

On motion of Mr. Kennedy,

Resolved, That the committee on revision be instructed to engraft into the act relative to crimes and punishments, a section declaring it a penitentiary offence to keep a roulette, faro bank, or other gaming tables, for the purposes of gambling.

On motion of Mr. Mount,

Resolved, That the committee on public buildings, be instructed to inquire into the expediency of causing cisterns to be erected at each end of the capitol, to serve as reservoirs to supply water for the preservation thereof, in case of accident by fire.

On motion of Mr. Dunn,

Resolved, That the committee on canals and internal improvements be instructed to inquire into the expediency of reporting a joint resolution, making it the duty of the board of public works at the close of the current year, annually hereafter, to lay before the General Assembly of Indiana, a statement in detail of all the incidental or contingent expenses connected in any way or manner with the carrying on the system of internal improvement.

On motion of Mr. Moore,

Resolved, That the sergeant-at-arms be requested to instruct Messrs. Jennison & Nourse to have the addresses of Doctors Wylie and Baldwin, done up in the usual pamphlet form.

On motion of Mr. Mitchell,

Resolved, That when this Senate next adjourns, it will adjourn to meet on Thursday at two o'clock, P. M., with a view to afford the revising committee an opportunity to attend to their duties preparatory to their report.

On motion, Senate adjourned.

FRIDAY MORNING, JAN. 12, 1838.

Senate assembled.

Mr. Stanford from the committee on Enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bills, of the House of Representatives, No. 33, entitled an act appropriating part of the three per cent. fund in the county therein named. And No. 54, entitled an act to re-appropriate a portion of the three per cent. fund appropriated in Dearborn county by an act approved, Feb. 4, 1837, and find them truly enrolled.

Mr. Baird, from the committee on revision, reports,

That the committee of revision to whom was referred the revision of the laws, have had the act entitled an act regulating damages on protested bills of Exchange under their consideration,—made two amendments, and directed me to report the following bill, No. 81—entitled,

A bill regulating damages on protested bills of exchange.

Which being read, was on motion of Mr. Vawter, the rules being dispensed with, read a second time and on motion, committed to a committee of the whole Senate, and made the special order of the day for Monday next.

Mr. Dunning from the committee on revision reports,

Mr. PRESIDENT—

The committee of revision to whom was referred the revision of the laws of the State, have had the act relative to County Boundaries, approved Feb. 10th, 1831, and all the subsequent acts of the General Assembly, for the formation of new counties, and the regulation and defining of county boundaries, under consideration, and have directed me to report the following bill, to wit, No. 82, entitled,

A bill relative to county boundaries.

Which being read, was on motion of Mr. Dunning read a 2d time now—on motion committed to a committee of the whole Senate and made the special order of the day for Tuesday next.

Mr. Dunning from the same committee, reports,

Mr. PRESIDENT—

The committee of revision to whom was referred the revision of the Statute Laws of this State have had the act to provide for the partition of real estate, approved Feb. 1st, 1831, under consideration and have directed me to report the following bill, to wit, No. 83, entitled,

A bill to provide for the Partition of Real Estate.

Which being read, on motion of Mr. Brady, the rules were dispensed with and the bill read a 2d time.

On motion of Mr. Elliott, referred to a committee of the whole Senate and made the special order of the day on Tuesday next.

Mr. Dunning from the same committee further reports,

Mr. PRESIDENT—

The committee of revision to whom was referred a revision of the laws of this State, have had the act respecting apprentices, approved January 7th, 1831, and all subsequent acts thereof, under consideration and have directed me to report the following bill, to wit, No. 84, entitled,

A bill respecting Apprentices.

Which being read, was on motion of Mr. Dunning, the rules being dispensed with, read a second time, and on motion, committed to a committee of the whole and made the special order of the day for Tuesday next.

Mr. Baird from the committee on revision presented the following report and resolution:

Mr. PRESIDENT—

The committee of revision to which, amongst others, were referred the following acts, to wit:

An act making promissory notes and inland bills of exchange negotiable and assignable, approved Jan. 29, 1818.

An act for running and making the line dividing the States of Indiana and Illinois, approved Jan. 8, 1821.

A joint resolution confirming the line between the States of Indiana and Illinois, approved Dec. 11, 1821.

Act of Congress, entitled, an act respecting fugitives from justice and persons escaping from the service of their masters, approved February 12, 1793.

An act concerning Insane persons, approved Jan. 22, 1818.

Report that they have carefully examined said acts and are of the opinion that they do not require amendment, and therefore submit, for adoption the following resolution, to wit:

Resolved, That the committee, who have in charge the revision of the act authorizing the re-printing of sundry acts, and for other purposes, be instructed to incorporate the foregoing acts among those which the Secretary of State will be directed to have printed amongst the acts to be passed at the present session.

Mr. Thompson of L. moved to accept the act relating to promissory notes, and the act relative to insane persons.

A division of the question being called for; the question then was shall the act relative to promissory notes be excepted—the Senate decided in the negative. And on the question shall the act respecting insane persons, be excepted, the Senate decided in the negative.

The question recurring on the adoption of the resolution, shall the resolution be adopted? And the Senate decided in the affirmative.

Mr. Baird from the same committee, reports,

MR. PRESIDENT—

The committee of revision to whom was referred the revision of the laws, have according to order, had under consideration an act entitled an act to authorize the vacation of towns, and directed me to report the following bill, No. 85, entitled

A bill to authorize the vacation of towns.

Which being read, was on motion of Mr. Kennedy, the rules being dispensed with, read a 2d time; and on motion of Mr. Baird, committed to a committee of the whole, and made the special order of the day on Wednesday next.

Mr. Baird from the same committee again reports:

MR. PRESIDENT—

The committee of revision to whom was referred the revision of the laws, have according to order had under consideration the act, entitled an act providing for the support of illegitimate children—made sundry amendments thereto, and directed me to report the following bill, No. 86, entitled

A bill providing for the support of Illegitimate children.

Which being read, was on motion of Mr. Kennedy, the rules being dispensed with, read a 2d time, and committed to a committee of the whole and made the special order of the day on Wednesday next.

Mr. Baird further reports,

MR. PRESIDENT—

The committee of revision to whom was referred the revision of the laws have according to order, had under consideration the act, entitled an act providing for the incorporation of towns, made sundry amendments thereto, and directed me to report the following bill, No. 87, entitled

A bill providing for the incorporation of towns.

Which being read, was on motion of Mr. Brady, the rules being dispensed with, read a 2d time; on motion of Mr. Baird, committed to the committee of the whole and made the special order of the day for Friday next.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed bill of the Senate,

No. 29—An act to authorize the Fund Commissioners to settle with certain debtors of the State, without amendment.

Mr. Thompson of P. of the committee on Revision, now reports the following bills:

No. 86—A bill to regulate marriages, which being read was, on motion, the rules being dispensed with, read a 2d time, and referred to a committee of the whole and made the special order of the day for Tuesday next.

No. 89—A bill for the formation of Congressional districts and for the election of Senators and Representatives in Congress;

Which being read was, on motion of Mr. Smith, the rules being dispensed with, read a 2d time now. On motion of Mr. Crawford, referred to a committee of the whole.

Mr. Mitchell moved to reconsider the vote referring the bill to the committee of the whole; which was agreed to.

Mr. Mitchell then withdrew his motion to refer said bill to said committee.

Mr. Ewing moved to refer the bill to a select committee.

Mr. Vawter proposed to amend by referring it to a select committee of one from each congressional district,

Mr. Thompson of P. moved to amend the amendment by erasing the word "Congressional" and insert the word "Judicial;" which was adopted.

The question then was, will the Senate consent to the reference? which was decided in the affirmative.

Ordered, That the committee be composed of Messrs. Ewing, Mitchell, Dunning, Baird, Watts of D., Thompson of J., Thompson of P., Bradbury and Puett.

No. 90—A bill to improve the breed of horses; which being read, was, on motion of Mr. Moore, the rules being suspended, read a 2d time. On motion of Mr. Clark referred to the committee on Agriculture.

No. 91—A bill to establish and regulate ferries; which being read was, on motion of Mr. Thompson of L., the rules being suspended, read a 2d time and referred to the committee of the whole and made the special order of the day for next Thursday,

Orders of the day being postponed.

Mr. Colerick from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred the bill of the House,

No. 107—To locate the seat of justice of Wells county, have had the same under consideration and directed me to report the same back without amendment.

On motion of Mr. Colerick the rules were suspended, the bill read 3d time and passed by consent.

Mr. Clark from the committee of ways and means reports:

Mr. PRESIDENT—

The committee of ways and means to whom was referred the petition of Thomas P. Miller praying that there be certain moneys refunded to him which he overpaid into the state treasury as collector of the revenue for the county of Tippecanoe, in the year 1835, have considered the subject and have directed me herewith to report a bill entitled,

No. 92—A bill for the relief of Thomas P. Miller, which being read, was on motion of Mr. Hoagland, the rules being suspended, read a 2d time;

Ordered, To be engrossed for a third reading.

Mr. Sigler from the committee on claims to whom was referred a bill No. 69 of the Senate entitled an act for the relief of Lyle McClung and others have had the same under their consideration; made one amendment thereto and have directed me to report the bill with the amendment and ask their concurrence.

The Senate concurred in the amendment, and on the question, shall the amendment be engrossed and the bill as amended pass to a 3d reading? the Senate decided in the negative.

On motion of Mr. Thompson of L., the amendment of the Senator from Vigo, together with the amendment of the Senator from Delaware, relating to a change in the present manner of doing county business, was taken up for further consideration.

The question being on striking out the amendment of the Senator from Vigo, the ayes and noes being called,

Those who voted in the Affirmative were,

Messrs. Bell, Bradbury, Casey, Chambers, Colerick, Daily, Elliott, Ewing Hoagland, Little, Moore, Morgan of R., Sigler, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, and Watt of U.—20.

Those who voted in the Negative were,

Messrs. Baird of St. J., Beard of M, Bowen, Brady, Cathcart, Clark, Crawford, Dobson, Dunn, Finch, Green, Hackett, Kennedy, Mitchell, Moffitt, Morgan of D., Mount, Puett, Smith, Stanford, Stewart, Turman, Watts of D. and Vawter—24.

So said amendment was not stricken out.

Mr. Beard moved to amend by striking out the amendment from the resolving clause, and insert "that the joint committee on revision be instructed; that in revising the laws organizing probate courts, and defining the powers and duties of executors, administrators, and guardi-

ans, report a bill embracing the principles of the present laws on this subject; the ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Beard, Bell, Bradbury, Chambers, Colerick, Daily, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hacket, Hoagland, Little, Moore, Morgan of D., Morgan of R., Puett, Sigler, Thompson of L., Thompson of P., Tuley, Watts of D., Watt of U. and Vawter—26.

Those who voted in the negative were,

Messrs. Baird, Bowen, Brady, Casey, Cathcart, Clark, Crawford, Dobson, Kennedy, Mitchell, Moffitt, Mount, Smith, Stanford, Stewart, Turman, Thompson of J., Trask, and Walker—19.

So said amendment was adopted.

Mr. Clark proposed to amend the amendment by adding, "and that in all matters relating to the partition of real estate, or the sale thereof, the circuit court, alone shall have jurisdiction."

The ayes and noes being called,

Those who voted in the Affirmative were,

Messrs. Bowen, Bradbury, Clark, Colerick, Elliott, Ewing, Finch, Hoagland, Kennedy, Moore, Morgan of R., Mount, Puett, Sigler, Stanford, Thompson of J., Thompson of L., Thompson of P., Tuley, and Walker—20.

Those who voted in the Negative were,

Messrs. Baird of M., Beard of St. Jos., Bell, Brady, Casey, Cathcart, Chambers, Crawford, Daily, Dobson, Dunn, Dunning, Green, Hackett, Little, Mitchell, Moffitt, Morgan of D., Smith, Stewart, Turman, Trask, Watts of D., Watt of U., and Vawter—25.

So said amendment to the amendment was negatived.

And on the question, shall the amendment as amended be adopted; the Senate decided in the affirmative.

The question then recurring on the adoption of the resolution as amended; it was adopted by consent.

Leave granted Mr. Bowen withdrew the report and resolution presented to the Senate a few days since, from the select committee of investigation of the State Bank and Branches.

Mr. Dunn moved to postpone previous orders of the day and take from the table a joint resolution on the State Bank; which was not agreed to.

Mr. Colerick moved that the previous order of the day be dispensed with and that bills on their 2d reading be taken up. Not agreed to.

And on motion, Senate adjourned.

SATURDAY MORNING, JAN. 13th, 1838.

Senate assembled.

Mr. Watts of D. presented a remonstrance from Henry Walker and others, remonstrating against a petition, (presented a few days since) praying a charter to erect a toll bridge across Hogan creek, &c; Referred to same committee as was referred the petition on same subject.

Mr. Walker presented a petition from Chancey Cadwell and others, praying an additional justice of the peace in Liberty township, Shelby county;

Referred to the committee on the judiciary.

Mr. Thompson of P. from the committee of revision reports a bill: No. 94, a bill to provide for electing county and township officers;

Which being read, was, on motion of Mr. Thompson of P., the rules being suspended, read a 2d time now and referred to a committee of the whole for Thursday next.

Mr. Dunning from the committee of revision reports the following bill:

No. 95, a bill relative to opening and repairing public roads and highways and for other purposes;

Which being read, was, on motion of Mr. Dunning, the rules being dispensed with, read a 2d time and referred to a committee of the whole and made the special order of the day for Thursday next.

Mr. Baird from the committee of revision reports the following bills:

No. 96, a bill for the appointment of county surveyors and their deputies;

Which being read, was, on motion of Mr. Baird, the rules being dispensed with, read a 2d time, and referred to a committee of the whole and made the special order of the day for Thursday next.

No. 97, a bill authorizing the arresting and securing fugitives from justice;

Which being read, was, on motion of Mr. Baird, the rules being dispensed with, read a 2d time, and referred to a committee of the whole and made the special order of the day for Thursday next.

No. 98, a bill to regulate general elections;

Which being read, was, on motion of Mr. Baird, the rules being suspended, read a 2d time, and referred to a committee of the whole and made the special order of the day for Friday next.

Mr. Beard from the committee on roads reports:

Mr. PRESIDENT—

The committee on roads to whom was referred a bill No. 55, to locate a state road from Delphi to Marion, have had that subject under their consideration and directed me to report the same without amend-

ment, and ask to be discharged from the further consideration of that subject.

The committee were accordingly discharged.

On motion of Mr. Trask, the bill was read a 3d time now and passed by consent.

Mr. Baird from the committee on canals and internal improvements reports:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred a resolution of the Senate, inquiring into the expediency of the state taking the amount of stock reserved for the use of the state, in the charter incorporating the Buffalo and Mississippi Rail Road Company, with leave to report by bill or otherwise, have according to order had the same under consideration, and after mature reflection thereon, directed me to report that it is inexpedient for the state to take said stock, and with a view to facilitate the operations of said rail road company have further directed me to report the following bill:

No. 99, a bill to amend an act entitled an act to incorporate the Buffalo and Mississippi Rail Road Company;

Which being read, was, on motion of Mr. Crawford, the rules being suspended, read a 2d time, and referred to a select committee of Messrs. Crawford, Baird and Cathcart.

Mr. Vawter from a select committee reports:

The select committee to which was referred the petition of Joseph Elliott and others, praying the appointment of commissioners, with authority to locate a state road from Napoleon by way of William Smyley's to a point near Elihu Galloway's, have according to order had the same under consideration, and have directed me to report bill:

No. 100, a bill locating a state road from Napoleon to a point near Elihu Galloway's;

Which being read, was, on motion, the rules being suspended, read a second time;

Ordered to be engrossed and passed to a 3d reading.

Mr. Ewing from a select committee now reports:

MR. PRESIDENT—

The select committee to whom was referred the report of Julius W. Adams, Esq., Civil Engineer relative to a survey and estimate on the Michigan Road north of Indianapolis; and also to whom was referred sundry petitions of the citizens of St. Joseph, Laporte and other northern counties, praying for a suitable appropriation to be made on said road, have had the same under consideration, and after having duly matured that subject, have directed me, (on behalf of the claims of that great thoroughfare and for the purpose of providing for the improvement thereof) to report the following:

No. 101, entitled a bill to provide for the further improvement of the Michigan road;

Which being read, was ordered to a 2d reading on Monday next.

Mr. Clark from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred an engrossed bill No. 12, from the House of Representatives, have directed me to report the same to the Senate without amendment.

No. 12, a bill to vacate a part of Solomon Roming's addition to the town of Lafayette;

On motion of Mr. Clark, the bill was read a 3d time now, and passed by consent.

On motion of Mr. Daily,

Resolved, That the Senate will, so long as the business may require it, proceed to the consideration of the orders of the day at 2 o'clock, P. M.

On motion of Mr. Ewing,

Resolved, That the board of internal improvement be requested to report to the Senate the probable amount of water power, created by the construction of the canals of this State, so far as the same are finished or under contract; and also, the probable revenue which may be derived therefrom, together with their views as to the best means necessary to secure the interests of the State in respect to the water power generally.

On motion of Mr. Vawter,

Resolved, That the committee on canals and internal improvement inquire into the expediency of providing by law, for the collection of tolls on such part of the Erie and Wabash canal as may be now complete, or may be before the meeting of the next General Assembly.

On motion of Mr. Morgan of R.,

Resolved, That the committee on the State Bank be requested to inquire into the expediency of so amending the law regulating the duties of the commissioners of the sinking fund, so as to make it their duty to loan to each county in proportion to the number of polls where application be made for the same, with leave to report by bill or otherwise.

On motion of Mr. Cathcart,

Resolved, That the board of internal improvement be respectfully requested to furnish the Senate a report of the proceedings of the engineers who surveyed the Michigan and Erie canal, in relation to the branch of said canal passing to and through the village of Laporte, stating all matters in relation to the practicability of said branch canal, &c.

The following resolution was offered by Mr. Smith:

Resolved, That the State board of internal improvement be requested to report to this Senate their opinion, based upon estimates, and the best information they have in their possession, what the savings to

the State would be, provided the construction of the rail road from Madison to Lafayette was changed to a McAdamized turnpike road. And whether in their opinion, the McAdamized system of road making is not more economical and more productive of the general interest than rail roads; and better adapted to the circumstances of the State at this time. And whether in their opinion, a sufficient saving might not be made to the State, to gradually improve the Michigan Road and such other roads as are of great public utility, by reducing the construction of all the roads contemplated by a law providing for a general system of internal improvement to McAdamized roads.

Mr. Clark moved to lay it on the table, which was agreed to.

Mr. Dunn offered the following resolution:

Whereas doubts are entertained by some, whether the State Bank of Indiana, by its acts in suspending specie payments in May last has not forfeited its charter. And whereas it is fully manifest to the General Assembly, that the State Board in recommending such suspension were influenced by the purest motives and the best desire to promote the interest of the institution and the welfare of the State, and that said suspension, under the peculiar circumstances of the country was fully justified and called for as a measure of defence, and which alone could save immense public and individual sacrifices, otherwise inevitable. Therefore,

Resolved, That said act of suspension of specie payment, under circumstances so peculiar and imparitive, ought not to be construed as a forfeiture of any of the chartered rights of said State Bank, and that the charter of said bank as contained in the acts for its incorporation and the several amendments thereto, which have been consented to by said bank and branches, be and the same are hereby declared to be unimpaired, and of full force and virtue.

On motion of Mr. Kennedy, laid on the table.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

ORDERS OF THE DAY.

No. 79—a bill to locate a State road from Augusta, in Noble county, to Huntington in Huntington county, and for other purposes; which being read a third time passed by consent.

No. 17—an engrossed bill to locate a State road from Bristol in Elkhart county, via Middlebury to the Goshen and Lima State road in Lagrange county; which being read a third time, passed by consent.

No. 38—(of the House) an act to incorporate the Marion Fire Engine Company; which being read a third time, passed by consent.

No. 71—a bill to incorporate the Laurel and Franklin county Bridge Company; which being read a third time, passed by consent.

No. 68—a bill to locate a State road therein named, read a third time, and passed by consent.

No. 57—an act for opening and repairing public roads and highways in Hancock county; read a third time and passed by consent.

No. 67—a bill to appropriate a certain portion of the Three per cent. Fund belonging to Cass county; read a third time and passed.

Leave being granted, on motion of Mr. Brady,

No. 45—a bill authorizing the construction of a bridge over White river on the Michigan road, was taken up.

On motion of Mr. Brady,

The bill was considered as engrossed and read a third time. Passed by consent.

No. 16—a bill to amend an act entitled, an act regulating the jurisdiction and duties of justices of the peace, approved Feb. 10, 1831; which being read a second time, was referred to the committee of revision.

No. 18—a bill to locate a certain State road therein named.

On motion of Mr. Finch,

Considered as engrossed and read a third time. Passed by consent.

No. 92—a bill for the relief of Thomas P. Miller; which being read a third time, passed by consent.

No. 19—a bill repealing certain laws now in force in several counties of this State regulating the mode of doing county business therein; read a second time.

On motion of Mr. Sigler,

Referred to a committee of the whole and made the special order of the day for Monday next.

No. 24—a bill to abolish public executions; read a second time. Mr. Dunn moved that the rules be suspended and the bill ordered to be engrossed for a third reading now. Negatived.

Mr. Dunning moved to amend by inserting "that all other officers of the court be permitted to attend."

Mr. Brady moved to amend the amendment, by adding, "and all other persons who choose so to do;" which was not agreed to.

The question then was, "shall the amendment be adopted?" which was decided in the negative.

Mr. Brady then moved to indefinitely postpone the bill.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Beard, Bell, Brady, Cole, Dobson, Dunning, Hacket, Hoagland, Sigler, Smith, Stanford, Thompson of P., Watt of U. and Vawter—14.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Bradbury, Casey, Cathcart, Chambers,

Clark, Colerick, Crawford, Daily, Dunn, Elliott, Ewing, Finch, Green, Morgan of D., Morgan of R., Mount, Puett, Thompson of J., Thompson of L., Tuley, Walker and Watts of D.—23.

So said bill was not indefinitely postponed.

The question then was, shall the bill be engrossed for a third reading? and the Senate decided in the affirmative.

So said bill was ordered to be engrossed for a third reading on Monday next.

No. 27—a joint resolution on the subject of the Cross Cut Canal, to connect the White Water canal with the Central canal; read a second time, and on motion of Mr. Elliott, laid upon the table.

No. 28—a bill to amend an act, entitled, an act for assessing and collecting the revenue, approved Feb. 10, 1831. Reap a second time, and on motion of Mr. Dunn, referred to the committee on revision.

No. 30—a joint resolution on the subject of the State Bank, read a second time, and ordered to be engrossed for a third reading on Monday next.

No. 32—a bill providing for the recording of mortgages for personal property; read a second time and ordered to be engrossed and read a third third time on Monday next.

No. 36—a bill to incorporate the Greenville seminary in Floyd county; read a second time. Mr. Mitchell moved to amend, by inserting the word "christian," before the word religion, in the 9th section; which was agreed to.

On motion of Mr. Tuley,

The bill as amended, was considered as engrossed, and read a third time. Passed by consent.

On motion, Senate adjourned.

MONDAY MORNING, JAN. 15, 1838.

The Senate Assembled.

Mr. Watts of D., presented a petition from Ezra Ferris, praying an enactment of a law authorizing the Trustees of the Lawrenceburgh Bridge Company, to sell an additional number of shares, &c. &c.

Referred to select committee of Messrs. Watts of D., Green, and Smith.

Mr. Ewing presented a petition from James Butler and others, praying the location of a state road therein named.

Referred to the committee on roads.

Mr. Bowen, presented a petition from Isaac Martin, Henry Haller and others, on the subject of establishing a horse boat ferry across the Wabash at Attica.

Referred to a select committee of Messrs. Bowen, Turman & Finch.
 Mr. Thompson of P., presented a petition from Thomas P. Britton,
 on the subject of incorporating the town of Rockport;
 Referred to the committee on corporations.
 Mr. Thompson of L., from the judiciary committee, now reports:

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of Isaac Kimberlin, praying for the passage of a law authorizing the sheriff of Clark county to execute a deed in fee simple to him for certain lands purchased by him in 1818, have directed me to report the following bill:

No. 103—A bill for the relief of Isaac Kimberlin, being read,

On motion of Mr. Hoagland, the rules being suspended, was read a second time.

Mr. Dailey moved to amend by adding the words "or collector" after the word "sheriff;" which was agreed to.

On motion, the bill was considered as engrossed, read a third time, and passed by consent.

Mr. Thompson of L., from same committee, again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of extending the stay laws, have directed me to report to the Senate, that, having heretofore expressed their opinion, that such laws would be impairing the validity of contracts, and in contravention of the constitution, it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

Mr. Thompson of L. from same committee, further reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate instructing an inquiry into the expediency of repealing or modifying the 2d section of an act declaring what shall be evidence in certain cases, approved February 1, 1834, have directed me to report that it is inexpedient to legislate thereon and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Thompson of L., from same committee, also reports:

Mr. PRESIDENT—

The judiciary committee to which was referred sundry resolutions of the Senate, in relation to certain amendments to the act entitled, an

an act organizing probate courts and defining the duties thereof, approved February 10th, 1831, have, after considering the same, directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were accordingly discharged.

The following message was received from the Governor, by his private Secretary, Mr. Maguire:

MR. PRESIDENT—

The Governor has approved and signed an act which originated in the Senate, entitled,

No. 64—An act for the relief of the collector of the State revenue of Perry county;

Also, acts which originated in the House of Representatives, entitled as follows:

No. 29—An act authorizing the sale of a certain school house and lot in the county of Washington;

No. 27—An act to authorize the Board of Commissioners of Kosciusko county to recover the amount of certain three per cent. fund heretofore appropriated to that county;

No. 11—An act for the relief of Jonathan Parks;

No. 22—An act to legalize the acts of Moses Gray as Recorder of Scott county, under the appointment of Associate Judges of the said county.

No. 28—An act on the subject of the appropriation of three per cent. heretofore appropriated to Orange county;

Mr. Dunning from the select committee, reports:

MR. PRESIDENT—

The select committee to which was referred a bill of the Senate No. 80, entitled a bill to prescribe the mode of electing members of the Board of Internal Improvements have had the same under consideration, have made one amendment hereto, and directed me to report the bill back to the Senate, and ask the concurrence of the Senate thereto.

Strike out all after the word "by" in the first section, and insert in lieu thereof, these words: "a joint vote of the two Houses, voting *viva voce*."

Mr. Clark moved to recommit the bill to the same select committee, with instructions to amend the bill, so that the election shall be conducted in the same manner, as the election for President and Directors of the State Bank; which was agreed to.

Mr. Crawford, from a select committee, reports,

That the select committee to whom was referred a bill No. 99, entitled, a bill to amend an act to incorporate the Buffalo and Mississippi Rail Road Company, have, according to order, had the same under consideration, have directed me to report the bill back, without amendment.

The bill being read, was considered as engrossed, read a third time, and was passed by consent.

Mr. Daily from a select committee, reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Seymore Gurnsey and others, praying the improvement of the county road, leading from Charlestown in Clark county, to Salem in Washington county, have considered the same, and have instructed me to report the following bill:

No. 104—A bill to locate a state road from Salem in Washington county, to Charlestown in Clark county;

Which being read, was on motion of Mr. Daily, the rules being dispensed with, read a second time, and

On motion of Mr. Hackett, the rules were further dispensed with, the bill read a third time and passed.

Mr. Finch from a select committee now reports:

That the committee to whom was referred the petition of Robert Watts and others, have according to order had the same under consideration and directed me to report a bill:

No. 105, a bill to incorporate the Jefferson English, Classical and Mathematical Academy;

Which being read, was, on motion of Mr. Finch, the rules being suspended, read a 2d time and referred to the committee on corporations.

Mr. Dunning from the committee on revision reports:

No. 65—An act to locate a state road from Laurel in Franklin county, to West Union in Fayette county and for other purposes;

On motion of Mr. Clark, the bill was considered as engrossed and read a 3d time and passed by consent.

Mr. Ewing from the joint committee on enrolled bills now reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they did this day present to his Excellency the Governor for his approval and signature, bills of the following titles, to-wit:

No. 54—An act to re-appropriate a portion of the 3 per cent. fund appropriated in Dearborn county by an act approved Feb. 4, 1837;

No. 33—An act appropriating part of the 3 per cent. fund therein named;

No. 29—An act to authorize the Fund Commissioners to settle with certain debtors of the state;

No. 53—An act declaring Big Raccoon in the county of Parke, a public highway;

No. 44—An act to incorporate the Lagro and Wabash bridge company;

No. 25—An act to incorporate the town of New Washington in Clark county, Indiana.

Mr. Moore introduced a bill No. 106, entitled a bill to amend the charter of the borough of Vincennes;

Which being read, was, on motion of Moore, the rules being suspended, read a 2d time and referred to the judiciary committee.

On motion of Mr. Finch,

Resolved, That the committee on revision be instructed to report a bill amending the act entitled an act to license and regulate taverns and groceries, approved Feb. 3, 1832, so as to require the petition of a majority of the householders of a town or townships in order to obtain a license to vend spiritous or strong liquors.

Mr. Stanford from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the the following enrolled with the engrossed bills, to-wit:

No. 29 of the Senate, entitled an act to authorize the Fund Commissioners to settle with certain debtors of the state;

No. 53 of the House of Representatives, entitled an act declaring Big Raccoon in the county of Parke, a public highway;

No. 44 of the House of Representatives, entitled an act to incorporate the Lagro and Wabash bridge company; and,

No. 25 of the House of Representatives, entitled an act to incorporate the town of New Washington in Clark county, Indiana;

And find them all truly enrolled.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the House entitled,

No. 25—An act to incorporate the town of New Washington in Clark county, Indiana;

No. 44—An act to incorporate the Lagro and Wabash bridge company;

No. 53—An act declaring Big Raccoon in the county of Parke, a public highway;

And also an enrolled bill of the Senate,

No. 29—An act to authorize the Fund Commissioners to settle with certain debtors of the state;

I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed the enrolled bills of the House, Nos. 25, 44, 53, and enrolled bill of the Senate, No. 29, they were handed to the committee to be presented to the Governor for his approval and signature.

Mr. Ewing introduced a bill No. 107, entitled a bill supplemental to the act entitled an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be

entitled to receive by virtue of an act of Congress, app'd. June 23, 1836;

Which being read, was, on motion of Mr. Ewing, the rules being suspended, read a 2d time and referred to the committee on the state bank.

Mr. Dunning introduced a bill No. 103, entitled a bill to dissolve the bonds of matrimony between William Goodwin and Ann Goodwin his wife;

Read a 1st time.

Mr. Kennedy moved to reject the bill.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion, the Senate resolved itself into a committee of the whole on the special orders of the day, Mr. Brady in the chair.

After due consideration therein, Mr. Brady from the committee, made the following report:

MR. PRESIDENT—

The committee to whom was referred bill No. 81, entitled a bill regulating damages on protested bills of Exchange, have had the same under consideration and made one amendment thereto; in which the concurrence of the Senate is requested.

The amendment was concurred in.

On motion of Mr. Thompson of L., the rules were dispensed with and the bill was read a 3d time and passed by consent.

On motion, the Senate again resolved itself into a committee of the whole on the special orders of the day, Mr. Vawter in the chair.

After some time spent therein, the committee rose, and Mr. Vawter made the following report:

MR. PRESIDENT—

The committee of the whole to whom was referred a bill No. 19, entitled a bill repealing certain laws now in force in several counties of this state regulating the mode of doing county business, have had the same under consideration and directed me to report the bill back to the Senate without amendment.

Mr. Puett proposed to amend by inserting the following:

"Be hereafter transacted by boards of justices of the several counties in the same way and manner as is now done by boards of county commissioners, to be composed of all the justices of the county;"

Which was negatived.

Mr. Mitchell moved to amend by adding, "except the 11th section of said act of 1831, which is hereby repealed."

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Hackett, Mitchell, Sigler and Trask—4.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Finch, Green, Hoagland, Kennedy, Little, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Walker, Watts of D., Watt of U. and Vawter—37.

So said amendment was not adopted.

Mr. Bowen proposed to amend as follows: "except that portion of the 4th section, which requires a vote of the whole county, but that the same shall be confined to their several districts. Not agreed to.

Mr. Puett then proposed to amend by inserting, "except in the county of Parke, which shall be governed in all respects in the transaction of their county business, by justices of the peace as is the law, which now governs them.

Mr. Sigler moved to amend by adding Putnam county;

Which was accepted.

Mr. Dobson moved to amend by adding Owen county; Accepted.

Mr. Mitchell moved to amend by adding Harrison county; Accepted.

Mr. Thompson of P. moved to amend by adding Crawford and Spencer counties; Accepted.

Mr. Dunning moved to amend by adding Monroe and Brown counties; Accepted.

Mr. Morgan of D. moved to amend by adding Decatur county; Accepted.

Mr. Chambers moved to amend by adding Orange county; Accepted.

Mr. Clark moved to re-commit the bill to the committee of revision with instructions to report a bill providing that the county business be transacted by justices of the peace in those counties in which county business is now transacted in that mode, and that in all other counties of the state the business shall be transacted by commissioners.

Mr. Dunning moved to amend the instructions by inserting, "to report a bill providing that hereafter the county business be transacted by justices of the several counties instead of Boards of county commissioners.

On motion, the Senate adjourned.

TUESDAY MORNING, JAN. 16, 1838.

Senate assembled.

Mr. Stanford from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bills of the Senate

No. 13—Entitled an act authorizing a change of venue in certain cases therein named, and

No. 78—Entitled an act for the relief of Samuel Ward; and find the same truly enrolled.

The President laid before the Senate a communication from Messrs. Osborn and Chamberlain relative to Lyman Cobb's school books;

Referred to the committee on education.

The following message was received from the House of Representatives by Mr. Glenn their member:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills of the Senate,

No. 13—An act authorizing a change of venue in certain cases therein named;

No. 78—An act for the relief of Samuel Ward; each without amendment;

Also, an engrossed joint resolution of the House;

No. 162—A memorial and joint resolution on the subject of the National road, in which the concurrence of the Senate is respectfully requested;

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives;

No. 33—An act appropriating part of the three per cent. fund in the county therein named;

No. 54—An act to re-appropriate a portion of the three per cent. fund appropriated in Dearborn county by an act approved February 4th, 1837.

The President having signed enrolled bills of the House they were handed to the committee to be presented to the Governor for his approval and signature.

No. 162—A memorial and joint resolution on the subject of the National road; which being read, was on motion of Mr. Little, the rules being suspended, referred to the same select committee to which was referred a resolution of the Senate on the same subject.

Mr. Cathcart presented a petition from Francis Pheoutphoskee, praying a special session of the circuit court; referred to a select committee of Messrs. Cathcart, Crawford, and Baird.

Mr. Baird from the committee on revision reported,
 No. 109—A bill authorizing and regulating arbitrations; which being read, was on motion of Mr. Baird, the rules being suspended, read a 2d time; referred to a committee of the whole and made the special order of the day for Saturday next.

Mr. Dunning from the committee on education reports:

MR. PRESIDENT—

The committee on education to whom was referred the petition of Alanson Crocker upon the subject of school laws have had the same under consideration, and have directed me to report the same back to the Senate and recommend that it lie upon the table and the committee ask leave to be discharged from any further consideration thereof.

The committee were discharged.

Ordered, That the petition be laid upon the table.

Mr. Dunning from the same committee reports:

MR. PRESIDENT—

The committee on education to whom was referred a resolution directing them to inquire into the expediency of so amending the law incorporating Congressional townships, and providing for public schools therein, as to provide that money and other materials necessary to be raised for the purpose of building school houses in the different districts shall be raised upon the ad valorem system of taxation, have had the same under consideration, and have instructed me to report that legislation upon that subject at this time is inexpedient, and ask to be discharged from any further consideration thereof.

The committee were accordingly discharged.

Mr. Dunning from the same committee again reports:

MR. PRESIDENT—

The committee on education to whom was referred the petition of sundry citizens of Grant county, praying certain legislation in relation to the funds of a certain township in said county, have had the same under consideration, and have directed me to report the same back to the Senate and recommend that the same be laid upon the table, believing that any special legislation in relation to said funds is inexpedient at this time, and the committee ask to be discharged from any further consideration thereof.

The committee were accordingly discharged.

Ordered, That the petition be laid upon the table.

Mr. Dunning from the same committee further reports:

MR. PRESIDENT—

The committee on education to whom was referred a resolution of the Senate instructing them to inquire what amendments, if any, are necessary to be made to the school law, have had the same under con-

sideration and have directed me to report, that inasmuch as that law is undergoing a revision at this time by the revising committee that legislation upon the resolution is unnecessary, and the committee ask to be discharged from any further consideration thereof.

The committee were accordingly discharged.

Mr. Beard from the committee on roads reports:

Mr. PRESIDENT—

The committee on roads to whom was referred the petition of Charles Martin and others, citizens of Parke and Fountain counties, praying for a state road from Westport in Parke county to Covington in Fountain county. And also the petition of Dan. Mace and others, praying for a state road from Attica to Portland in the said county of Fountain; have had these subjects under their consideration, and directed me to report the following bill:

No. 110—To locate certain state roads therein named; which being read, was ordered to a 2d reading.

Mr. Dunning from a select committee reports:

Mr. PRESIDENT—

The select committee to which was referred a bill of the Senate,

No. 80—Entitled a bill to prescribe the mode of electing members of the Board of Internal Improvements, together with the accompanying instructions have had the same under consideration according to order and have instructed me to report the same back to the Senate with one amendment, and ask the concurrence of the Senate therein.

The amendment was to strike out all after the word "elected" in the first section and insert in lieu thereof, the following, to-wit: In the same manner as is prescribed in the 32d section of an act entitled an act establishing a State Bank, approved January 28, 1834, for the election of a President of the State Bank.

Mr. Clark moved to strike out all after the word "Bank;" which was accepted.

The Senate then concurred in the report.

Mr. Dunning moved that the rules be suspended, the bill be considered as engrossed and read a 3d time.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of M., Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Daily, Dobson, Dunn, Dunning, Elliott, Finch, Green, Hackett, Hoagland, Little, Morgan of R. Mount, Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Walker, Watts of D., Watt of U. and Vawter—33.

Those who voted in the negative were,

Messrs. Bowen, Kennedy, Mitchell, Moore, Morgan of D., Smith, Thompson of P., and Trask—8.

So the rules were suspended and the bill read a third time.

And on the question, shall the bill pass? the Senate decided in the affirmative.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bradbury, Brady, Casey, Chambers, Clark, Cole, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hacket, Hoagland, Little, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Walker, Watts of D., and Vawter—34.

Those who voted in the negative were,

Messrs. Bowen, Cathcart, Kennedy, Mitchell, Smith, Thompson of P., Trask, and Watt of U.—8.

Mr. Turman from the select committee reports that the select committee to whom was referred the petition of James Bradburn and others, have had the same under consideration, and instructed me to report the following bill:

No. 111—A bill to make a state road through a part of Warren and Vermillion counties; which being read, was on motion of Mr. Hacket, the rules being suspended, read a 2d time;

Ordered, To be engrossed for a 3d reading.

Mr. Watts of D. from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition of J. Hancock on the subject of a bridge across Hogan creek, and also the remonstrance of Henry Walker and many others, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on the subject and ask to be discharged from the further consideration of the same.

The committee were discharged.

Mr. Clark moved to lay the resolution of the Senator from Jefferson on the subject of the State Bank, on the table; which was agreed to.

Mr. Dunning moved to reconsider the vote on the resolution of the Senator from Knox relative to publishing Drs. Wylie and Baldwin's addresses delivered before the education convention; which was agreed to.

On motion of Mr. Dunning the resolution was laid on the table.

The following message was received from the Governor, by his private secretary, Mr. Maguire:

Mr. PRESIDENT—

I am requested by the Governor to inform the Senate that he has approved and signed an act which originated in the Senate, entitled

An act, No. 29, to authorize the fund commissioners to settle with certain debtors of the State;

Also, acts which originated in the House of Representatives, entitled:

No. 25, an act to incorporate the town of New Washington in Clark county;

No. 33, an act appropriating a part of the three per cent. fund in the county therein named;

No. 44, an act to incorporate the Lagro and Wabash Bridge Company;

No. 53, an act declaring Big Raccoon, in the county of Parke, a public highway.

No. 54, an act to re-appropriate a portion of the three per cent. fund appropriated in Dearborn county, by an act approved February 4th, 1837.

Mr. Tuley offered the following resolution:

Resolved, That the Board of Internal Improvements be requested to inform this Senate what amount was allowed and paid by said Board to Sylvester Welch, and Samuel Forrer, for services as Engineers on the Jeffersonville and Crawfordsville road; and that said Board inform this Senate if in their power the number of days they were actually employed in that service.

Mr. Sigler moved to amend by adding "and report if they have it in their power to furnish the data upon which said Engineers placed the additional expense, on the northern end of said line, without examination,"—accepted.

The question then was shall the resolution be adopted? And the Senate decided in the negative.

On motion of Mr. Chambers,

Resolved, That the Judiciary committee be instructed to inquire into the expediency of so amending the law that requires property sold on all judgments rendered by justices of the peace, shall sell for two-thirds of its value, with leave to report by bill or otherwise.

Mr. Daily introduced a joint resolution, entitled

No. 112, a joint resolution for the benefit of the collector of Clark county, for 1837, which being read, was on motion of Mr. Daily, the rules being suspended, read a second time. On motion of Mr. Crawford, the resolution was considered as engrossed, and read a 3d time—and passed by consent.

Bill No. 108—a bill to dissolve the bonds of matrimony between William Goodwin and Ann Goodwin his wife, together with the motion of the Senator from Delaware, was taken up for further consideration.

The question was shall the bill be rejected? And the Senate decided in the negative.

On motion of Mr. Dunning, the bill was read a 2d time.

Mr. Thompson of L. moved that the bill be indefinitely postponed, which was agreed to.

Mr. Cole introduced a bill

No. 113—a bill to incorporate the Westfield Steam Mill and Manufacturing company.

Which being read, was on motion of Mr. Cole, the rules being suspended, read a 2d time and referred to the committee on corporations.

Mr. Thompson of J. introduced a bill,

No. 114—a bill regulating the jurisdiction of justices of the peace in Johnson county.

Which being read, on motion of Mr. Thompson of J. the rules were suspended, and the bill read a second time. On motion of Mr. Smith, referred to the committee on revision.

Mr. Stafford introduced a bill No. 115, which being read, was on motion of Mr. Stafford, the rules being suspended, read a 2d time.

Ordered, to be referred to the Judiciary committee.

Mr. Stafford introduced a bill:

No. 116, a bill to appropriate a part of the three per cent. fund in the county of Morgan.

Which being read, was on motion of Mr. Stafford, the rules being suspended, read a 2d time. On motion of Mr. Thompson of P. the rules were further dispensed with, and the bill read a 3d time, and passed by consent.

The bill No. 19, entitled a bill repealing certain laws now in force in several counties of this State, regulating the mode of doing county business, coming up in order, was on motion of Mr. Thompson of L. laid on the table.

On motion of Mr. Dunning, the special orders of the day were dispensed with, and the Senate resolved itself into a committee of the whole on bill No. 60, entitled a bill to amend an act entitled an act to provide for distributing so much of the Surplus Revenue of the United States, as the State of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d June, 1836, (approved Feb. 6th, 1837.) Mr. Beard in the chair.

After due consideration the committee rose, and Mr. Beard made the following report:

Mr. PRESIDENT—

The committee of the whole to whom was referred a bill No. 60, on the subject of the surplus revenue, have had the same under consideration and directed me to report it back to the Senate, with several amendments, in which the concurrence of the Senate is requested.

The Senate concurred in the amendments.

On motion of Mr. Thompson of P. the rules were suspended, the bill read a 3d time, and passed by consent.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Dobson

Bill No. 64, entitled a bill to amend an act entitled an act to provide for a general system of Internal Improvement, approved Jan. 27, 1836, was taken up for further consideration, which was read a 2d time.

Mr. Clark moved to lay the bill on the table, which was not agreed to.

Mr. Sigler, moved to refer the bill to the same select committee as was referred the documents, presented a few days since relative to this road.

Mr. Thompson of L. moved to change the reference to the committee of Canals and Internal Improvements—which was accepted.

A division of the question being called for, the question then was shall the bill be referred? Which was decided in the negative.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Clark, Colerick, Dunning, Elliott, Hackett, Kennedy, Sigler, Stafford, Thompson of J., Thompson of L. Tuley, Watt of U. and Vawter—17.

Those who voted in the negative were,

Messrs. Bell, Brady, Casey, Cathcart, Chambers, Cole, Crawford, Daily, Dobson, Dunn, Ewing, Finch, Green, Hoagland, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Turman, Thompson of P., Trask, Walker, and Watts of D.—30.

Mr. Thompson of L. moved to amend by adding,

It shall and hereby is made the duty of the Board of Public Works to change the construction of the road from Madison to Lafayette, from a Rail to a M'Adamized road, and that they have power to compound such contracts as may have been made by them for the construction of said road, and dispose of such iron and other property as they may have procured for that purpose on as good terms as can be made, having a due regard to the interests of the State.

Mr. Colerick moved to adjourn.

The ayes and noes being called;

Those who voted in the affirmative were,

Messrs. Beard, Bell, Bradbury, Brady, Casey, Cathcart, Chambers, Cole, Colerick, Daily, Dunn, Ewing, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Thompson of J., Thompson of P., Watt of D. and Vawter—26.

Those who voted in the negative were,

Messrs. Baird, Bowen, Clark, Crawford, Dobson, Dunning, Elliott, Finch, Green, Hackett, Kennedy, Moore, Sigler, Stanford, Stewart, Thompson of L., Trask, Tuley, Walker, and Watt of U.—20.

So the Senate adjourned.

WEDNESDAY MORNING, JAN. 17th, 1838.

Senate assembled.

Mr. Watts of D., presented a petition from John P. Dunn and others, relative to the Lawrenceburgh Bridge Company, referred to the same select committee to which was referred a remonstrance on that subject.

Mr. Daily, presented a memorial from Samuel L. Adair and many others, on the subject of classifying the public works.

Mr. Daily moved to refer the memorial to a select committee of one from each Congressional District.

Mr. Vawter moved to amend by striking out the words "select committee," and insert in lieu thereof "committee on canals and internal improvements."

The question then was "shall the memorial be referred to a select committee?" the Senate decided in the negative.

The question then was on the motion to refer it to committee on canals and internal improvements; which was agreed to.

Mr. Moffitt presented a memorial from Messrs. E. M. Huntington, N. B. Palmer, and Thomas D. Baird, a committee from the State Agricultural Society, on a subject connected therewith.

Referred to the committee on agriculture.

Mr. Dunning from the committee on education, reports:

Mr. PRESIDENT—

The committee on education to whom was referred the petition of sundry citizens of Morgan county, praying the formation of a new school district have had the same under consideration and have instructed me to report the following bill.

No. 119—A bill for the formation of Union school district;

Which being read, was, on motion of Mr. Dunning, the rules being dispensed with, read a 2d time and ordered to be engrossed and read a 3d time to-morrow.

Mr. Beard from the committee on roads, reports, that the committee on roads to which was referred bill No. 46, entitled a bill to amend the 28th section of an act relative to state roads, approved February 6,

1837, have had that subject under their consideration, and directed me to report the same without amendment, and ask to be discharged from the further consideration of the same.

The committee were discharged.

On motion of Mr. Cathcart, the bill was read a third time and passed.

MR. PRESIDENT—

The committee on the affairs of the state prison to whom was referred so much of the Governor's message as relates to the enlargement of the state prison, have considered that subject, and have instructed me to report by bill,

No. 120—A bill to amend the act entitled, an act for the regulation of the state prison;"

Which being read, was, on motion of Mr. Dailey, the rules being suspended, read a 2d time.

Mr. Daily moved that the bill be referred to the revising committee.

Mr. Vawter moved to amend, by instructing the committee to strike out section 8th.

A division of the question being called,

The question then was "shall the bill be referred?"

The Senate decided in the affirmative.

The question then was, on striking out;

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Chambers, Cole, Cole-
rick, Crawford, Dunning, Elliott, Kennedy. Moflitt, Sigler, Stafford,
Thompson of J., Thompson of L., Watt of U., and Vawter—19.

Those who voted in the negative were,

Messrs. Brady, Casey, Cathcart, Clark, Daily, Dobson, Dunn, Ew-
ing, Green, Hackett, Hoagland, Little, Mitchell, Moore, Morgan of D.,
Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Turman,
Thompson of P., Trask, Tuley, Walker and Watts of D—27.

So the motion to strike out, was negatived.

Mr. Vawter from the committee on the State Bank, reports:

MR. PRESIDENT—

The committee on the State Bank to which was referred a bill of the Senate No. 107, have had the same under consideration, and have directed me to report the bill back with two amendments, to which they ask the concurrence of the Senate.

Mr. Sigler moved to concur in the amendments by amending so as to exclude 12th branch.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Dobson, the special orders of the day were suspended, and bill No. 64 relative to Jeffersonville and Crawfordsville road; together with the amendment offered by the Senator from Lawrence, was taken up for further consideration.

Mr. Thompson of L., withdrew his amendment.

Mr. Sigler moved to amend the bill by inserting in the first section, *Provided*, that no survey and location so made shall divert the road from its present location, on that part between Greencastle, and the national road, that is now under contract in Putnam county;

Which was negatived.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Chambers, Clark, Dunn, Dunning, Elliott, Hackett, Mount, Sigler, Stafford, Thompson of J., Thompson of L., Watt of U., and Vawter—19.

Those who voted in the negative were,

Messrs. Bell, Casey, Cathcart, Cole, Colerick, Crawford, Daily, Dobson, Ewing, Finch, Green, Hoagland, Little, Mitchell, Moffitt, Moore, Morgan, of D., Morgan of R., Puett, Smith, Stanford, Stewart, Turman, Thompson of P., Trask, Walker, and Watts of D.—27.

Mr. Sigler then moved that the bill be indefinitely postponed;

Which was not agreed to.

Mr. Thompson of L., moved that the bill be laid upon the table;

Which was negatived.

On motion, the Senate adjourned.

THURSDAY MORNING, Jan. 18, 1838.

Senate assembled.

Mr. Watts of D. presented a petition from Isaac Dunn, relative to a change in the manner of doing county business; referred to committee on revision.

Mr. Thompson of L. presented a petition from Asher Wilcox, relative to building a dam across White river; referred to Messrs. Thompson of L., Hacket and Hoagland.

Mr. Smith presented a petition from W. J. Wood, on the subject of common school education; referred to the committee on education.

Mr. Mitchell, from the committee on revision, reports,

No. 123—a bill to provide for the inspection of salt, beef, flour, pork and tobacco.

On motion, the rules were suspended and the bill read a second time. Ordered to be referred to a committee of the whole for Monday next.

No. 124—a bill for the relief of the poor; which being read, was on motion, the rules being suspended, read a second time. Ordered to be referred to a committee of the whole, and made the order of the day for Monday next.

No. 125—a bill to authorize the appointment of trustees, to receive deeds for school, meeting-houses, burying grounds, and masonic lodges; which being read, was,

On motion of Mr. Walker,

The rules being suspended, read a second time, and referred to a committee of the whole, and made the order of the day for to-morrow.

Mr. Thompson of L., from the committee on revisions, reports,

No. 126—a bill concerning debtors and their securities; which being read, was,

On motion of Mr. Thompson of L.,

The rules being suspended, read a second time, and referred to the committee of the whole, and made the order for to-morrow.

No. 127—a bill relative to fugitives from labor; which being read, was,

On motion of Mr. Smith,

The rules being suspended, read a second time, and referred to a committee of the whole for to-morrow.

Mr. Thompson of L., from the judiciary committee, reports,

Mr. PRESIDENT—

The judiciary committee, to which was referred a bill of the Senate, No. 41, entitled, a bill declaring certain county roads therein named, State roads, and for other purposes, have directed me to report the same back to the Senate, and recommend the following amendment: "strike out the third and fourth sections of the bill;" and they have also directed me to report the following bill, embracing in a general law, the provisions of said third and fourth sections.

The amendments to bill No. 41, were concurred in by the Senate.

On motion of Mr. Thompson of L.,

The bill was considered as engrossed, read a third time, and passed by consent.

Mr. Crawford moved to amend the title by striking out the words "and for other purposes;" which was agreed to.

No. 128—a bill amendatory of an act, entitled, an act for opening and repairing public roads and highways, approved Feb. 10, 1831; which being read, was,

On motion of Mr. Crawford,

The rules being suspended, read a second time.

Mr. Bell moved to amend, by striking out "\$100" and insert in lieu thereof "\$20;" which was adopted.

Mr. Stewart moved to amend by striking out "\$5 00," and insert in lieu thereof "\$2 00."

Mr. Thompson of P. moved to amend by inserting, "and be answerable for whatever damages may thereby be done to said bridge, by an action of trespass, in the name of the board doing county business, if it is a county thus injured; or in the name of the president and directors, if it is a company bridge; or in the name of the State, if it belongs to the State. Which was accepted.

On motion of Mr. Ewing,

The bill and amendments were referred to a select committee of Messrs. Crawford, Little and Stewart.

Mr. Thompson of L., from the judiciary committee, reports,

MR. PRESIDENT—

The judiciary committee to which was referred the petition of Nathan Reed, praying that physicians may be exempt from serving on juries, have directed me to report the following bill:

No. 129—a bill exempting regular physicians from serving on juries; which being read, was,

On motion of Mr. Bowen,

The rules being suspended, read a second time.

On motion, the Senate resolved itself into a committee of the whole, on the further consideration of this bill; Mr. Moore in the chair.

The committee, after due consideration therein, rose and Mr. Moore reported—

That the committee of the whole, to whom was referred bill No. 129, entitled, a bill exempting regular physicians from serving as jurors, have duly considered the same and directed me to report it to the Senate without amendment.

Mr. Bowen moved that the rules be suspended, and the bill read a third time; which was not agreed to.

Mr. Moffitt moved to amend, by adding, "and that steam doctors be considered regular physicians."

Mr. Thompson of P. moved to indefinitely postpone the bill; which was agreed to. The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Beard of M., Bell, Bowen, Bradbury, Casey, Cathcart, Chambers, Clark, Crawford, Daily, Dobson, Dunn, Ewing, Finch, Green, Hacket, Hoagland, Little, Moffitt, Moore, Morgan of D., Puett,

Smith, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, and Watt of U.—33.

Those who voted in the negative were,

Messrs. Baird of St. Joseph, Colerick, Dunning, Kennedy, Morgan of R., Mount, Sigler, Walker, Watts of D. and Vawter—10.

The bill No. 107, introduced by the committee on the State Bank, with the amendment offered by the Senator from Putnam, was taken up for further consideration.

Mr. Thompson of P., moved to lay it on the table.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The President laid before the Senate a communication from the State Board of Internal Improvement, in answer to a resolution adopted by the Senate a few days since;

On motion of Mr. Cathcart laid on the table.

Mr. Cathcart from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Francis Pheoutphoskee, have directed me to report a bill to authorize the Laporte circuit court to hold a special session, in compliance with the prayer of the petitioner.

No. 130, a bill to authorize the Laporte circuit court to hold a special session;

Which being read, was on motion of Mr. Cathcart, the rules being suspended, read a 2d time; the rules being further suspended, the bill was considered as engrossed, read a 3d time and passed.

On motion of Mr. Dobson, the previous orders of the day were postponed, and bill No. 64, relative to the Jeffersonville and Crawfordsville road, was taken up for further consideration.

Mr. Sigler moved to amend the 1st section by adding after the word "practicable" "provided however, that in locating said road between the town of Spencer and Greencastle, (if the interest of the state is not affected thereby) shall be made on the former located route so far as the same may have been let, or put under contract between the National Road and Greencastle."

Mr. Clark moved to amend the amendment by striking out the word "affected" and insert the word "injured;" which was accepted.

Mr. Dobson moved further to amend the amendment by striking out the word "between" and insert "from" in the 2d line, and the word "and" in the 3d line and insert "to;" which was also accepted.

The question then was, shall the amendment be adopted?
The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bowen, Bradbury, Brady, Clark, Colerick, Crawford, Dunn, Dunning, Elliott, Hackett, Kennedy, Little, Morgan of R., Mount, Mitchell, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Thompson of P., Tuley, Watt of U. and Vawter—26.

Those who voted in the negative were,

Messrs. Bell, Casey, Cathcart, Cole, Daily, Dobson, Ewing, Finch, Green, Hoagland, Moffitt, Moore, Morgan of D., Puett, Smith, Stewart, Turman, Trask, Walker and Watts of D.—20.

So said amendment was adopted.

Mr. Thompson of L. moved to amend the bill by inserting the following: *Provided*, that nothing in this section shall be so construed as to change that part of said road which lies between Jeffersonville and New Albany from a rail to a McAdamized road, but that it shall be the duty of the board of public works to construct a rail road between those points, at as early a period as may be consistent with the public interest; which was adopted.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of Montgomery, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watt of U. and Vawter—43.

Those who voted in the negative were,

Messrs. Casey, Moffitt, Smith, and Watts of D.—4.

On motion, the bill was considered as engrossed and read a 3d time and passed.

Mr. Little from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred a resolution inquiring into the expediency of memorializing Congress on the subject of the Cumberland road; also a memorial and joint resolution from the House of Representatives on the same subject, have had the same under consideration and directed me to report said memorial and joint resolu-

tion back to the Senate without amendment and recommend its passage, and ask to be discharged from the further consideration thereof.

The committee were discharged.

The memorial and joint resolution No. 162, was, on motion of Mr. Little, the rules being suspended, read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate to the bill of the House, entitled,

No. 64—An act to amend an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836; Leave granted, Mr. Colerick introduced,

No. 131—A joint resolution relative to the Lawrenceburgh and Indianapolis rail road company;

Which being read, was, on motion, the rules being suspended, read a 2d time.

Mr. Walker moved to refer it to a select committee.

Mr. Clark moved to amend the reference by striking out "select" and insert "judiciary."

On motion of Mr. Walker, the joint resolution was laid on the table.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT--

The House of Representatives have concurred in the amendment of the Senate to the engrossed bill of the House of Representatives,

No. 38—An act to incorporate the Marion Fire Engine company.

The House of Representatives have passed an engrossed bill of the Senate, entitled,

No. 80—An act to prescribe the mode of electing Commissioners of the Board of Internal Improvement, with an amendment;

In which the concurrence of the Senate is requested.

Mr. Kennedy moved to concur in the amendment of the House, with an amendment, to strike out the word "ballot" and insert "by joint vote of both Houses *viva voce*"; which was negatived.

Mr. Elliott moved that the Senate disagree in the amendment of the House of Representatives;

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of M., Bowen, Bradbury, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Hoagland, Mitchell, Moffitt, Morgan of D., Mount, Sigler, Stafford, Stanford, Thompson of J., Tuley, and Vawter—24.

Those who voted in the negative were,

Messrs. Bell, Brady, Casey, Daily, Dobson, Ewing, Finch, Green, Hacket, Kennedy, Little, Morgan of R., Puett, Smith, Stewart, Turman, Thompson of P., Trask, Walker, Watts of D. and Watt of U.—21.

So the motion to disagree was adopted.

On motion, the Senate adjourned.

FRIDAY MORNING, JAN. 19, 1838.

Senate Assembled.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed the engrossed bill from the Senate,

No. 21, without amendment, entitled an act relative to changing the mode of electing a commissioner of the 3 per ct. fund in Daviess county.

Also of the House a bill No. 10, for the sale of certain school lands belonging to the Vincennes reserved tract;

In which the concurrence of the Senate is respectfully asked.

Bill No. 10, being read, was, on motion, the rules being suspended, read a 2d time, and referred to the committee on education.

The following message was received from the House of Representatives by Mr. Burns their member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof, entitled,

No. 26, a bill for the relief of John B. McDowell;

In which the concurrence of the Senate is respectfully requested.

Bill No. 26, being read, was, on motion of Mr. Turman, the rules being suspended, read a 2d time; on motion, the rules were farther suspended, the bill read a 3d time and passed.

Mr. Dunning from the committee on revision reports:

Mr. PRESIDENT—

The committee of revision now report that they have carefully examined the revised laws of Indiana of 1831, and have selected the fol-

lowing portions of the same, which they think should be re-printed without amendment, to-wit:

The Declaration of Independence;
 Constitution of the United States;
 Amendments to the Constitution;

An act of Virginia entitled an act to authorize the delegates of this state in Congress to convey to the United States in Congress assembled, all the right of this Commonwealth to the Territory northwestward of the river Ohio, passed December 20, 1783;

An act of Virginia, entitled an act concerning the Territory ceded by this Commonwealth to the United States, passed Dec. 30, 1788;

Seventh section of an act of the Commonwealth of Virginia entitled an act concerning the erection of the District of Kentucky into an independent state, passed December 18, 1789. (See revised laws of Virginia, 1st volume, page 59;)

Ordinance of Congress.

IN CONGRESS, July 13, 1787.

An ordinance for the government of the territory of the United States northwest of the river Ohio.

Act of Congress entitled an act to provide for the government of the territory northwest of the river Ohio, approved August 7, 1789;

Act of Congress entitled an act to divide the territory of the United States northwest of the Ohio, into two separate governments, approved May 7, 1800.

An act of Congress entitled an act for dividing the Indiana Territory into two separate governments, approved Feb. 3, 1809;

An act of Congress entitled an act to enable the people of the Indiana Territory to form a Constitution and state government and for the admission of such state into the Union, on an equal footing with the original states, approved April 19, 1816;

Ordinance of the people of the Indiana Territory, of June 29, 1816;
 Constitution of Indiana;

Naturalization Laws, (see Gordon's Digest of the Laws of the United States, page 270, &c. articles 1631 to 1648, inclusive.)

Acts of the Legislature, to-wit:

An act concerning joint rights and obligations, app'd. Dec. 30, 1817;

An act declaring what laws shall be in force, app'd. Jan. 2, 1818;

An act concerning salines and saline reserves, app'd. Feb. 4, 1731;

An act providing for a public seal and press, approved Dec. 13, 1816;

An act making provision for compensation to the recorders of Gibson and Monroe counties, approved January 19, 1829;

An act for the encouragement of religion and learning, approved December 31, 1818;

A joint resolution relative to the northern boundary of the State of Indiana, approved January 17, 1828;

An act for recording town plats, approved January 21, 1818;

An act regulating weights and measures, app'd. Jan. 21, 1818;

And have instructed me to report the following resolution for adoption of the Senate:

Resolved, That the foregoing portions be re-printed and placed amongst the laws to be passed during the present session of the General Assembly of the state; which was agreed to.

Leave being granted, Mr. Ewing presented a petition from R. H. McKeen and many others, relative to a bridge over the Wabash at Logansport;

The report and bill 107, from the committee on banks was again taken up for further consideration;

The question was on motion of the Senator from Perry, to lay the bill and amendment on the table; which was not agreed to.

Mr. Sigler moved to amend the amendment by striking out the words "from three to" and insert after the word "five" in addition to those authorized by the charter.

Mr. Kennedy moved that the bill and amendments be laid upon the table; which was agreed to.

Mr. Stewart from the committee on agriculture reports:

MR. PRESIDENT—

The committee on agriculture to whom was referred a bill No. 90 of the Senate, a bill to improve the breed of horses, have had the same under consideration and have directed me to report the same back with two amendments.

Amend the 1st section by inserting after the words "said horse" in the 11th line the words, "provided always however, that the person so gelding shall be a competent hand to do the same."

To further amend by adding the following:

Sec. 3. It shall be lawful for any person at the risk of the owner to alter any ram that may be found running at large out of the inclosed ground of the owner thereof, at any time between the 25th day of August and the 1st day of December in each year.

The amendments were concurred in.

On motion of Mr. Clark, the rules were suspended, the bill read a 3d time and passed.

On motion of Mr. Thompson of P., the title was amended by adding the words "and sheep."

Mr. Thompson of P., from the committee on corporations reports, That the committee on corporations to whom was referred a petition of Thomas D. Britton and others, praying that the legislature would by enactment incorporate the town of Rockport in Spencer county, have instructed me to report the following bill:

No. 133—A bill to incorporate the town of Rockport in Spencer county; which being read was, on motion of Mr. Thompson of P., the rules being suspended, read a 2d time.

On motion laid on the table.

Mr. Crawford from the select committee reports:

MR. PRESIDENT—

The select committee to whom was referred the bill,

No. 128—Amendatory of an act entitled an act for opening and repairing public roads and highways; approved Feb. 10, 1831, have accordidg to order had that subject under consideration and have directed me to report the bill back with an amendment, strike out the words "five" in the tenth line in the first section, and insert "three", to which the concurrence of the Senate is respectfully requested.

The Senate concurred in the amendment.

On motion of Mr. Clark, the rules were suspended, the bill was considered as engrossed and read a 3d time and passed;

On motion of Mr. Clark the title of the bill was so altered as to read "a bill for the protection of bridges."

On motion of Mr. Baird,

Resolved, That the committee on education inquire into the expediency of preventing non-residents from deriving any benefit from the school fund of this state, with leave to report by bill or otherwise.

On motion of Mr. Brady,

Resolved, That the Senate will, the House of Representatives concurring therein, proceed on Saturday next at 10 o'clock, A. M. to the election of a Director of the State Bank, to fill the vacancy of L. H. Scott, whose term of service will expire during the present session of the General Assembly.

On motion of Mr. Bradbury,

Resolved, That the committee on roads be instructed to inquire into the expediency of so amending the road law as to repeal so much thereof as authorises the Board doing county business to pay supervisors of roads and highways out of the county treasury and authorize them to be exempted from their full share of labor on roads and highways.

On motion, Senate adjourned.

2 o'clock P. M.

Senate assembled.

The President laid before the Senate a report from the Vernon savings institution; which was laid on the table.

Mr. Stanford from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following enrolled with engrossed bills, to-wit:

No. 21—Of the Senate entitled an act relative to changing the mode of electing a commissioner of the three per cent. fund in the county of Daviess;

No. 12—Of the House of Representatives entitled an act to vacate part of Solomon Roming's addition to the town of Lafayette;

No. 107—Of House of Representatives entitled an act to locate the seat of justice of Wells county;

No. 38—Of the House of Representatives, entitled an act to incorporate the Marion Fire Insurance Company; and find them truly enrolled.

On motion the Senate resolved itself into a committee of the whole on the further consideration of bill

No. 84—Entitled a bill respecting apprentices; Mr. Dunning in the chair.

After due consideration therein, Mr. Dunning from the committee, reported that the committee of the whole, to whom was referred a bill respecting apprentices, have duly considered the same, and sundry amendments thereto, and ask the concurrence of the Senate.

The Senate concurred in the amendment; and,

On motion of Mr. Morgan of R., the amendments were considered as engrossed, the bill read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed an enrolled bill of the House,

No. 107—An act to authorize certain commissioners therein named, to locate a permanent seat of justice for the county of Wells;

I am directed to bring it to the Senate for the signature of the President thereof.

The President having signed the bill mentioned in the message, it was handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives by Mr. Glenn their member:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that the House has concurred in the resolution of the Senate, to proceed on Saturday next, at 10 o'clock, to the election of a Director of the State Bank, to fill the vacancy of L. H. Scott, whose term of service will expire during the present session of the General Assembly.

And, also, that the House insist on their amendmet to the bill of the Senate, No. 80, entitled an act (engrossed bill) to prescribe the mode of electing commissioners of the Board of Internal Improvement.

Mr. Morgan of R. moved that the Senate recede from its disagreement to the amendment of the bill, No. 80, mentioned in the message.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Bell, Brady, Casey, Cathcart, Daily, Dobson, Dunn, Finch, Green, Hackett, Hoagland, Kennedy, Little, Morgan of R., Puett, Smith, Stanford, Stewart, Thompson of P., Tuley, Walker, Watts of D., and Watt of U.—23.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M, Bowen, Bradbury, Chambers, Clark, Cole, Colerick, Crawford, Dunning, Elliott, Ewing, Mitchell, Moffitt, Morgan of D., Mount, Sigler, Stafford, Thompson of J., and Vawter—20.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have passed bills of the Senate, entitled,

No. 73—An act to amend an act entitled an act to establish and re-locate certain state roads therein named, and for other purposes; approved Feb. 3d, 1837;

No. 35—An act to locate a state road from Cambridge City to Fort Wayne; each with amendments in which the concurrence of the Senate is requested.

The House has also passed engrossed bills of the Senate entitled as follows:

No. 37—An act to provide for the collection of part of the revenue of Laporte county, and for other purposes;

No. 63—An act to legalize the sale of school lands in the county of Floyd;

No. 67—An act to appropriate a certain portion of the 3 per cent. fund belonging to Cass county; and,

No. 130—An act to authorize the Laporte circuit court to hold a special session; each without amendments.

The House of Representatives has also passed engrossed bills thereof entitled,

No. 24—An act to incorporate Marion county Seminary;

No. 34—An act relative to the Vincennes University;

No. 56—An act concerning the killing of wolves;

No. 39—An act to incorporate the town of Princeton;

No. 194—An act legalizing the proceedings of the Board of Commissioners of Vanderburgh county;

No. 61—An act for the relief of Henry Matthews;

No. 67—An act concerning State roads therein named;

No. 105—An act to incorporate the Rockport Steam Mill Manufacturing Company; and,

No. 156—An act to legalize the sale of the 16th section in township No. 9, range 2 West;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the Senate, entitled,

No. 13—An act authorizing a change of venue in certain cases therein named;

No. 78—An act for the relief of Samuel Ward.

I am directed to bring them to the Senate for the signature of the President thereof.

The Senate concurred in the amendment of the House to bill No. 73, mentioned in the message; and to the amendment to bill No. 35; with an amendment to the 3d amendment of the House;

No. 35, of the House, an act relative to the Vincennes University; which being read, was on motion of Mr. Dunning, the rules being suspended, read a 2d time and referred to the committee on education.

The President having signed enrolled bills of the Senate,

No. 13 and 78, mentioned in the message, they were handed to the committee to be presented to the Governor for his approval and signature.

And on motion, Senate adjourned.

SATURDAY MORNING, JAN. 20th, 1838.

Senate assembled.

Mr. Stanford, from the joint committee on enrolled bills, reports,

Mr. PRESIDENT—

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bill of the Senate, No. 130, entitled, an act to authorize the Laporte circuit court to hold a special session, and find the same truly enrolled.

The following bills contained in the message from the House of Representatives; which was received on yesterday, were taken up.

No. 56—(of the House,) a bill to encourage the killing of wolves; which being read, was ordered to a second reading.

No. 24—(of the House,) an act to incorporate the Morgan county seminary; which being read, was,

On motion of Mr. Morgan of R.,

The rules were suspended, the bill read a second time, and referred to the committee on corporations.

No. 39—an act to incorporate the town of Princeton; which being read, was,

On motion of Mr. Stewart,

The rules being suspended, read a second time and referred to the committee on corporations.

No. 194—(of the House,) a bill legalizing the proceedings of the board of commissioners of Vanderburgh county; which being read, was,

On motion of Mr. Casey,

The rules being suspended, read a second time. The rules being further suspended, the bill was read a third time and passed.

No. 61—(of the House,) a bill for the relief of Henry Matthews; which being read, was,

On motion of Mr. Crawford,

The rules being suspended, read a second time; on motion of Mr. Morgan of R., referred to the judiciary committee.

No. 67—(of the House,) an act concerning State roads therein named; which being read, was,

On motion of Mr. Puett,

The rules being suspended, read a second time and referred to a select committee of Messrs. Puett, Hoagland and Finch.

No. 105—(of the House,) an act to incorporate the Rockport Steam Mill Manufacturing Company; which being read, was,

On motion of Mr. Brady,

The rules were suspended, the bill read a second time, and referred to the committee on corporations.

No. 156—(of the House,) an act to legalize the sale of the 16th section, in township 9, range 2 west; which being read, was,

On motion of Mr. Brady,

The rules being suspended, read a second time and referred to the committee on education.

The president laid before the Senate a communication from the treasurer of State, relative to the Three per cent. Fund, accruing on sales of land, &c. On motion, referred to the committee of ways and means.

Mr. Baird presented a petition from J. H. Orr, relative to the St. Joseph Iron Company's lock and dam, across St. Joseph river; referred to a select committee of Messrs. Baird, Cathcart, Ewing and Crawford.

Leave being granted, on motion of Mr. Morgan of R.

Resolved, That the secretary of State be requested to inform the Senate whether the act, entitled an act to incorporate the Carmel Steam Mill and Manufacturing Company, which passed the two houses of the General Assembly at the last session, and which act the joint committee on enrolled bills, reported they had presented to the governor for his approval and signature, has been deposited in the office of the secretary of State, and if not, whether the secretary of State has any knowledge of said act or enrolled bill.

Mr. Tuley presented a petition from Wm. Kirkwood and others, praying a charter for a canal, commencing at a point below the town of Columbus, on the east fork of White river, and terminating at a

point below the mouth of Falling run, in the county of Floyd, &c., referred to a select committee of Messrs. Tuley, Mitchell, Hoagland and Dailey.

On motion, the Senate informed the House of Representatives, [in accordance with the law relative thereto,] that it was now ready to proceed to the election of a bank director, on the part of the State, for the State Bank of Indiana, to fill the vacancy, occasioned by the expiration of the term of service of Lucius H. Scott.

Whereupon the Senate proceeded to the election of said State Bank director, on the part of the Senate by ballott, Messrs Brady and Clark acting as tellers; and on counting the votes, it appeared that

Lucius H. Scott received	41 votes.
Scattering	5
	—
	46

Mr. Morgan of R. moved to suspend the orders of the day, and take up the joint resolution of the senator from Jefferson, relative to the State Bank; which was agreed to. The ayes and noes being called—

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Beard of M., Bell, Bowen, Bradbury, Casey, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Hoagland, Little, Mitchell, Morgan of D. Morgan of R., Mount, Stafford, Stanford, Thompson of J., Thompson of L., Trask, Tuley, Walker, Watt of U. and Vawter.—28.

Those who voted in the negative were,

Messrs. Brady, Cathcart, Daily, Dobson, Dunning, Ewing, Finch, Green, Hackett, Kennedy, Moffitt, Puett, Sigler, Smith, Stewart, Turman, Thompson of P. and Watts of D.—18.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Morgan of R. moved to suspend the special orders of the day and take up the joint resolution, relative to the State Bank, offered by the senator from Jefferson; which was agreed to. The ayes and noes being called for—

Those who voted in the affirmative were,

Messrs. Baird of St. Joseph, Beard of M., Bell, Bradbury Chambers, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Ewing, Hoagland, Mitchell, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Stanford,

Thompson of J., Thompson of L, Tuley, Walker, Watt of U. and Vawter—26.

Those who voted in the negative were,

Messrs. Bowen, Brady, Casey, Cathcart, Daily, Dobson, Dunning, Finch, Green, Hacket, Kennedy, Little, Moffitt, Puett, Smith, Turman, Thompson of P., Trask, and Watts of D.—19.

Mr. Smith moved to commit the joint resolution to the judiciary committee, with instructions to strike out the preamble; and so to amend the resolution, without any regard to the circumstances under which the bank suspended specie payment, that the act of suspension itself is not a forfeiture of the charter of the bank.

A division of the question being called, the question then was, "shall the resolution be committed?"

Mr. Thompson of L. moved to lay the resolution, with the proposed instructions, on the table; which was agreed to.

On motion of Mr. Beard,

Resolved, That when the Senate next adjourn, it will adjourn to meet again on Tuesday next, at the usual hour.

Mr. Ewing, from the committee on enrolled bills, reports,

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the governor, for his approval and signature, bills of the following titles, to wit:

No. 38—an act to incorporate the Marion Fire Engine Company.

No. 12—an act to vacate part of Solomon Roming's addition to the town of Lafayette.

No. 21—an act relative to changing the mode of electing a commissioner of the Three per cent. Fund in the county of Davies.

Mr. Ewing from the committee on enrolled bills, further reports,

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the governor, for his approval and signature, bills of the following titles, to wit:

No. 107—an act to authorize certain commissioners therein named, to locate a permanent seat of justice for the county of Wells.

No. 78—an act for the relief of Samuel Ward.

No. 13—an act authorizing a change of venue in certain cases therein named.

On motion, Senate adjourned.

TUESDAY MORNING, JAN. 23, 1838.

Senate assembled.

Mr. Stanford from the joint committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills, now report, that they have compared the enrolled with the engrossed bills of the Senate,

No. 80, entitled an act to prescribe the mode of electing Commissioners of the Board of Internal Improvement,

No. 63, entitled an act to legalize the sale of school lands in the county of Floyd,

No. 37, entitled an act to provide for the collection of a part of the revenue of Laporte county, and for other purposes, and

No. 67, entitled an act to appropriate a certain portion of the 3 per cent. fund belonging to Cass county,

And a bill of the H. R. No. 64, entitled "an act to amend an act to provide for a general system of internal improvements, and find them truly enrolled. They have also compared the enrolled with the engrossed bill of the Senate No. 73, entitled an act to amend an act to establish and relocate certain state roads therein named, and for other purposes, approved February 3d, 1837,

And find the same truly enrolled.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am directed to deliver to the Senate a sealed message, in relation to the election of Director of the State Bank of Indiana.

Mr. PRESIDENT—

I am directed to inform the Senate that, at an election held by the House of Representatives, in pursuance to a resolution of the Senate and House of Representatives, for the purpose of electing a Director of the State Bank of Indiana to fill the vacancy of L. H. Scott, whose term of service will expire, during the present session of the General Assembly, with closed doors. On the first ballot, L. H. Scott received a majority of all the votes given, and was therefore declared duly elected as such director on the part of the House of Representatives, to serve as such for the term of four years.

L. H. Scott having received a majority of all the votes given, the President declared him to be duly elected a director of the State Bank of Indiana, and to serve as such for the term of four years.

The following message was received from the House of Representatives by Mr. Owen, their member:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills of the House entitled as follows, to wit:

No. 126—An act to authorize an additional Justice of the Peace in Brown township in Montgomery county,

No. 118—An act to divorce John Duval and Nancy Duval, and

No. 131—An act to provide for the improvement of the Wabash river;

In which the concurrence of the Senate is respectfully requested.

No. 126—The bill of the House was read a first time, and

On motion of Mr. Beard, the rules were suspended and the bill read a second time.

Ordered to a third reading on to-morrow.

No. 118—A bill to divorce John Duval and Nancy Duval;

Which was read a first time.

Leave granted, on motion of Mr. Stafford,

Resolved, That when the Senate adjourns, it will adjourn to meet again to-morrow at the usual hour.

On motion, Senate adjourned.

WEDNESDAY MORNING, JAN. 24, 1838.

Senate assembled.

Mr. Crawford presented a petition from the Trustees of a Collegiate institution in Lagrange county.

On motion, referred to the committee on corporations.

Mr. Baird presented a petition from Elisha Harlan and others, praying a state road therein named.

Referred to a select committee of Messrs. Baird, Cathcart and Colerick.

Mr. Cathcart presented a petition from R. Kelsey and others, relative to a certain State road therein named.

Referred to a select committee of Messrs. Cathcart, Baird, and Crawford.

On motion of Mr. Baird, Mr. Colerick was added to the committee to whom was referred a petition relative to the St. Joseph's Iron and Manufacturing Company's Lock and Dam.

Mr. Tuley presented a petition from A. Clapp and others, relative to the Canal at the Falls of the Ohio river.

Referred to a select committee of Messrs. Tuley, Hoagland, Mitchell and Daily.

Mr. Clark presented a memorial from a meeting of the citizens of Tippecanoe county, upon the subject of amending the School law.

Referred to the committee on Education.

Mr. Ewing presented a petition from Alexander Smith, Nathaniel Williams, Jesse Julian, J. B. Durit and many others, that the Trustee or Trustees, may be permitted to enter any tract of land, in the county of Cass, at private entry, not exceeding 160 acres at 1 25.100 per acre, (of such lands as the State may be entitled to for the use of the Wabash and Erie Canal,) for the purpose of building and constructing a county Seminary thereon, &c.

On motion, referred to the committee on Education.

Mr. Sigler presented a petition from James Tolbot, praying a divorce from his wife Frances Tolbot.

Referred to a select committee of Messrs. Sigler, Vawter, and Bradbury.

Mr. Moore presented a petition from Joseph Bradford and others, relative to a pauper therein mentioned.

Referred to the committee on Claims.

Mr. Ewing presented a petition from Wm. M'Kaig, Absalom Crocker, and others, against repealing a law of last session, providing for the mutual transfer of certain School funds, belonging to Noble township in Cass county.

On motion, laid on the table.

Mr. Smith presented a petition from William Griffith and others, relative to a State road therein named.

Referred to a select committee of Messrs. Smith, Watt of D. and Morgan.

Mr. Elliott presented a petition from Jesse Williams praying the vacation of a part of a State road therein named.

Referred to a select committee of Messrs. Elliott, Bradbury and Mount.

Mr. Mount presented a petition from Spencer Wiley and others, praying a law directing the Commissioners to construct farm bridges, where they may be needed along the lines of Internal Improvements.

Referred to the committee on Canals and Internal Improvements.

Mr. Thompson of J. presented a petition from F.M. Finch and others, praying a change of the course of the Madison and Indianapolis State road through the town of Franklin.

Referred to a select committee of Messrs. Thompson of J. Stewart, Brady and Vawter.

Mr. Stewart presented a petition from A. Hammond, praying the attachment of the village of Canalport to that of Petersburg.

Referred to the Judiciary Committee.

Mr. Crawford presented a petition from Selden Martin, praying a charter for the construction of a rail road from the Indiana line, in the direction of Lima, to the village of Kent, &c.

Referred to a select committee of Messrs Crawford, Cathcart, and Baird.

The unfinished message of the House of Representatives received on yesterday was taken up:

No. 118—a bill for the divorce of John Duval and Nancy Duval—ordered to a 2d reading on to-morrow.

No. 131—a bill to provide for the improvement of the Wabash river.

Which being read, was on motion of Mr. Casey, the rules being suspended, read a second time. On motion of Mr. Mitchell, referred to the committee on Canals and Internal Improvements.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, No. 98—an act to amend an act for the formation of the county of Brown, approved February 4, 1836.

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the House,

No. 12—an act to vacate a part of Solomon Roming's addition to the town of Lafayette,

No. 38—an act to incorporate the Marion Fire Engine Company, And of the Senate,

No. 21—an act relative to changing the mode of electing a commissioner of the three per cent fund, in the county of Daviess,

I am directed to bring them to the Senate for the signature of the President thereof.

The House of Representatives have passed an engrossed bill of the Senate, entitled

No. 9—an act to incorporate the West Delphi Bridge company—with an amendment. In which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

Mr. Ewing moved to further amend by inserting "that the Bridge shall in no wise obstruct the navigation of the Wabash river"—which was consented to.

On motion of Mr. Moore, the concurrence of the Senate, was reconsidered and on motion of Mr. Finch, the bill and amendments were referred to a select committee.

Ordered, That the committee be composed of Messrs Finch, Ewing, and Clark.

No. 98—mentioned in the message, being read, was ordered to a 2d reading on to-morrow.

The President having signed enrolled bills of the House Nos. 12, and 38, and No. 21 of the Senate, they were handed to the committee to be presented to the Governor for his approval and signature.

On motion of Mr. Thompson of L.

Resolved, That the Senate will (the House of Representatives concurring therein) proceed to the election of three members of the Board of Public Works, to fill the vacancy occasioned by the expiration of

the term of service of John G. Clendenin, Samuel Lewis, and John A. Graham, at 2 o'clock P. M. of this day.

Mr. Morgan of R, moved the following resolution:

Resolved, That the committee of Ways and Means be instructed to inquire whether the compensation of the Secretary of State is equal to the services required of that officer, when compared with the salaries and duties of other State officers, including the Engineer department, with leave to report by bill or otherwise—which was adopted by consent.

Mr. Clark moved to amend by adding the Auditor of State—which was agreed to.

Mr. Dunn moved to further amend by adding the Treasurer of State—which was adopted.

Mr. Clark moved that the reports of the Treasurer and Auditor of State, relative to their respective salaries, be taken up and referred with the resolution to the committee of Ways and Means—which was agreed to.

Leave being granted, Mr. Hoagland introduced a joint resolution:

No. 140—A Joint Resolution for the benefit of the Collector of Scott county for the year 1837.

Which being read, was on motion of Mr. Hoagland, the rules being suspended, read a 2d time—the rules being further suspended, the joint resolution was read a 3d time and passed.

The following message was received from the Governor, by his private Secretary, Mr. Maguire:

MR. PRESIDENT—

The Governor has approved and signed acts of the following titles viz:

An act No. 78, for the relief of Samuel Ward;

No. 13, an act authorizing a change of venue in certain cases therein named; and

No. 107, an act to authorize certain commissioners therein named, to locate a permanent seat of justice for the county of Wells.

The two first named originating in the Senate, and the latter in the House of Representatives.

Mr. Dunning from the committee on revision reports,

No. 141, a bill regulating the fees and salaries of the several officers, and persons therein named, which being read, was on motion of Mr. Dunning, the rules being suspended, read a 2d time, and referred to the committee of Ways and Means.

Leave being granted, Mr. Clark introduced a resolution:

Resolved, That the Secretary of State be requested to report to the Senate a statement of the amount of salary and perquisites of office by him received, for all services imposed upon him by law.

Mr. Mitchell from the committee of revision, reports:

No. 142—a bill for the regulation of the State Prison, which being read, was on motion of Mr. Mitchell, the rules being suspended, read a 2d time and referred to a committee of the whole, and made the order for the day on to-morrow.

No. 143—a bill for the promotion of schools and education in Clark's Grant, which being read, was on motion of Mr. Daily, the rules being suspended, read a 2d time and referred to a select committee of Messrs Daily, Mitchell, Hackett, and Tuley.

Mr. Elliott from the committee of ways and means, reports:

MR. PRESIDENT—

The committee of ways and means to whom was referred two several petitions from citizens of Fulton county, on the subject of high taxes, and changing the mode of doing connty business, in the aforesaid county—have had the same under consideration and say the above is provided for, and ask to be discharged from the further consideration of the aforesaid petition.

The committee were discharged.

Mr. Elliott from the same committee, again report:

MR. PRESIDENT—

The committee of ways and means to whom was referred a resolution to inquire into the expediency, and what amendment is necessary to the law defining the duties of Assessors; have had the same under consideration and directed me to report that it is inexpedient to legislate on that subject at this time, and asked to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Dunning from the committee on Education, reports.

MR. PRESIDENT—

The committee on education to whom were referred so much of the governor's message, as relates to the State college at Bloomington, a resolution of the Senate upon the subject of changing the character of the institution from that of a college to a State University, endowing it with powers and privileges commensurate with the dignity and importance of the State, and also that part of the annual report of the board of trustees of the college, which recommends to the General Assembly of the State, the propriety of establishing it a State University, have had those several matters under consideration, and after bestowing upon them the attention which the important interests therein involved, demands, have directed me to report, that in their opinion the prosperity and character of the institution and of the State at large, would be greatly enhanced in a literary point of view, by changing the character of the institution, in the manner proposed in those

several communications, believing as they do, that the sphere of its usefulness would be much enhanced by so enlarging its operations as to establish the requisite number of professorships in which might be taught, not only a full and complete course of collegiate studies but also so much only as might be necessary to qualify young gentlemen for the ordinary pursuits of life in a profitable manner. They deem it proper here to state, that they conceive it was the intention of the framers of the constitution to establish at as early a period as convenient a State University in which should be taught such branches of the useful arts and sciences as would not only qualify the youth of the State for the various learned professions, but also so much only as might enable that portion of our youth, who desire to pursue the highly useful avocations of agriculture and the mechanic arts, thereby extending to every interest in the community, all those inestimable blessings, which arise from the diffusion of science through every department of business. The committee deem it unnecessary to enter into a minute exposition of the advantages resulting to the community at large, from the adopting of the measures proposed, and the more fully to carry into effect those views, the committee have unanimously instructed me to report the following bill, to wit:

No. 144—a bill to establish a university in the State of Indiana;—which being read, was,

On motion of Mr. Dunning,

The rules being suspended, read a second time and referred to a committee of the whole, and made the special order of the day for Monday next.

The following message was received from the House of Representatives, by Mr. Jones, their member:

The speaker of the House of Representatives having signed an enrolled bill of the House of Representatives, No. 64, an act to amend an act to provide for a general system of internal improvement.

And also of the Senate, No. 37, an act to provide for the collection of a part of the revenue of Laporte county and for other purposes.

No. 63—an act to legalize the sale of school lands in the county of Floyd.

No. 67—an act to appropriate a certain portion of the Three per cent. Fund, belonging to Cass county.

No. 80—an act to prescribe the mode of electing commissioners of the board of internal improvement; and

No. 130—an act to authorize the Laporte circuit court to hold a special session.

I am directed to bring them to the Senate for the signature of the president thereof.

The president having signed enrolled bills of the House of Representatives, mentioned in the message, they were handed to the committee to be presented to the governor for his approval and signature.

Leave being granted, Mr. Thompson of L. introduced,

No. 145—a bill to amend an act, entitled, an act organizing circuit

courts and defining their powers and duties, approved Jan. 24, 1831; which being read, was,

On motion of Mr. Thompson of L.,

The rules being suspended, read a second time, and referred to the judiciary committee.

Leave being granted, Mr. Clark introduced

No. 146—a bill prescribing the mode of authenticating copies from the record of the State Board of internal improvements; which being read, was,

On motion of Mr. Clark,

The rules being suspended, read a second time. The rules being further suspended, the bill was read a third time, and passed.

Mr. Ewing, from the committee on roads, to which was referred a petition from James Butler and others, praying the location of a State road, as therein named; have had the same under consideration, and in accordance therewith, report the following bill:

No. 147—a bill to locate a State road therein named; which being read, was,

On motion of Mr. Hoagland,

The rules being suspended, read a second time, and ordered to be engrossed and passed to a third reading on to-morrow.

Mr. Ewing from the same committee, reports,

Mr. PRESIDENT—

The committee on roads, to whom was referred the petition of J. Butler and sundry other citizens, of Cass and White counties, praying the establishment of a State road, have had the same under consideration and directed me to report the following bill,

No. 148—a bill to locate a State road from Strawtown to Rochester; which being read, was,

On motion of Mr. Hoagland,

The rules being suspended, read a second time.

Ordered, To be engrossed for a third reading to-morrow.

Mr. Baird, from select committee, reports,

Mr. PRESIDENT—

The select committee to whom was referred the petition of J. H. Orr, and others on the subject of a dam and lock on the St. Joseph river, at Mishawaka, in St. Joseph county, have according to order, had the subject under consideration, and directed me to report the following bill:

No. 149—a bill to amend an act, entitled, an act incorporate the St. Joseph Iron Company; which being read, was ordered to a second reading on to-morrow.

Mr. Cathcart, from a select committee, reports,

Mr. PRESIDENT—

The select committee to whom was referred the petition of R. Kelsey and others, on the subject of a State road, have directed me to report the following bill:

No. 150—a bill to locate a State road from the Kankakee to LaPorte; which being read, was,

On motion of Mr. Cathcart,

The rules being suspended, read a second time, and ordered to be engrossed, and passed to a third reading.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the resolution of the Senate, fixing the time for the election of three members of the board of public works, to fill the vacancies occasioned by the expiration of the term of service of John G. Clendenin, Samuel Lewis and John A. Graham, at 2 o'clock, P. M. of this day.

Messrs. Howell and Chamberlain are appointed tellers on the part of the House of Representatives.

The House has concurred in the amendment of the Senate to the amendment of the House to the engrossed bill of the Senate, entitled,

No. 35—an act to locate a State road from Cambridge City to Fort Wayne.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Ewing from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature, bill of the Senate,

No. 80—An act to prescribe the mode of electing commissioners of the Board of Internal Improvement.

The following message was received from the Governor, by his private secretary, Mr. Maguire:

Mr. PRESIDENT—

His excellency the Governor has approved and signed an act entitled, No. 80—An act to prescribe the mode of electing members of the Board of Internal Improvement.

The following message was received from the House of Representatives by Mr. Glenn their member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House is now ready to proceed to the election of three commissioners of the Board of Public Works in place of John G. Clendenin, Samuel Lewis and John A. Graham, and that the Senate is invited to attend in the hall of the House instanter, for the purpose of proceeding to said elections, and seats are provided for them on the right of the Speaker's chair;

Whereupon the Senate repaired to the hall of the House of Representatives and proceeded to the election of said commissioners by ballot, and on counting the votes on the 1st ballot for commissioner of the board of public works, to fill the vacancy of J. G. Clendenin, it appeared that

J. G. Clendenin received	73 votes
Nathaniel Albertson do	71 do
Scattering	1

1st ballot for member of the board of public works to fill the vacancy of John A. Graham, and on counting the votes it appeared that

John A. Graham received	92 votes
Scattering	52

1st ballot for member of the board of public works to fill the vacancy of Samuel Lewis, when on counting the votes it appeared that

Samuel Lewis received	94 votes
Scattering	45

J. G. Clendenin, John A. Graham and Sam'l Lewis, having received a majority of all the votes given in the respective ballotings, they were declared duly elected Commissioners of the Board of Public Works, and to serve as such for the term of three years from and after the expiration of their present term of service.

And the Senate returned to their chamber.

Mr. Colerick from a select committee reports:

MR. PRESIDENT—

The select committee to which was referred a joint resolution of the Senate numbered 14, have had the subject under consideration, and have directed me to report the same back with one amendment.

The Senate concurred in the amendment.

Mr. Dunning moved to amend by inserting, "to the amount of 160 acres for each member of his family, for whom he may desire to purchase and no more.

Mr. Clark moved to amend the amendment by inserting "and not exceeding one section in his own name;" which was agreed to.

On the question, shall the amendment be adopted? it was decided in the negative.

Mr. Kennedy moved to amend by inserting "all banks which do now pay specie for their notes, and all banks which will commence and continue the payment of specie for their notes on or before the 1st day of March, 1836;"

Which was not adopted.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Brady, Casey, Cathcart, Daily, Dobson, Dunning, Finch, Hackett, Kennedy, Smith, Stafford, Stewart, Turman, Trask and Tuley—15.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Bell, Bowen, Bradbury, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Green, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stanford, Thompson of J., Thompson of L., Watts of D., Watt of U. and Vawter—28.

Mr. Cathcart moved to amend by adding "provided that no more than 160 acres, be so purchased in the name of one person;"

Which was not adopted.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Brady, Casey, Cathcart, Daily, Dobson, Finch, Hackett, Kennedy, Smith, Stewart, Turman, Trask, and Tuley—13.

Those who voted in the negative were,

Messrs. Baird of St. Jos., Beard of M., Bell, Bowen, Bradbury, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Green, Hoagland, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Thompson of J., Thompson of L., Walker, Watts of D., Watt of U., and Vawter—28.

Mr. Kennedy moved to lay the joint resolution and amendment on the table; not adopted.

Mr. Kennedy moved to strike out the word specie;

Which was not agreed to.

Mr. Kennedy moved to indefinitely postpone; which was negatived.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Brady, Cathcart, Daily, Finch, Green, Hackett, Kennedy, Stewart, Turman, and Thompson of L.—10.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Hoagland, Little, Mitchell, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Thompson of J., Trask, Tuley, Walker, Watts of D., Watt of U. and Vawter—31.

Mr. Brady moved that the 2d resolve be stricken out;
Which was not agreed to.
The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Brady, Finch, Hackett, Kennedy, Turman, and Thompson of L. —6.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Green, Hoagland, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Thompson of J., Trask, Tuley, Walker, Watts of D., Watt of U. and Vawter—33.

On motion of Mr. Beard, the joint resolution was considered as engrossed and read a 3d time and passed.

Mr. Ewing from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature, bills of the following titles, to-wit:

No. 64—An act to amend an act entitled an act to provide for a general system of Internal Improvements;

No. 37—An act to provide for the collection of a part of the revenue of Laporte county and for other purposes;

No. 130—An act to authorize the Laporte circuit court to hold a special session;

No. 67—An act to appropriate a certain portion of the 3 per cent. fund belonging to Cass county;

No. 63—An act to legalize the sale of certain school lands in the county of Floyd.

On motion, the Senate adjourned.

THURSDAY MORNING, JAN. 25th, 1838.

Senate assembled.

Mr. Stanford from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bills of the House of Representatives,

No. 26, entitled an act for the relief of John B. McDowell;

No. 194, entitled an act legalizing the proceedings of the board of commissioners of Vanderburgh county; and,

A memorial and joint resolution of the House of Representatives, No. 162, on the subject of the National Road; and find the same truly enrolled.

The President laid before the Senate a communication from the Secretary of State, in answer to a resolution of the Senate relative to the amount of salary he receives as such officer of the state, together with all perquisites pertaining to his office:

On motion of Mr. Brady, referred to the committee of ways and means.

Mr. Thompson of L. presented a petition from John Martin and others, praying the location of a state road leading from Bedford to Salem, and further praying an act incorporating a company for the purpose of erecting a bridge over the east fork of White river at the town of Lawrenceport, &c;

Referred to a select committee of Messrs. Thompson of L. Hackett, Mitchell, Tuley, Daily, Chambers and Dunning.

The following message was received from the House of Representatives by Mr. Jones their member:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills of the House entitled as follows:

No. 204, a bill to amend an act entitled an act to provide for draining Lost creek in Vigo county, approved Jan. 21, 1837;

No. 243, a bill to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes;

And also an engrossed joint resolution of the House entitled as follows:

No. 257, a joint resolution on the subject of a donation of public lands on the Erie and Michigan canal;

And has instructed me to request the concurrence of the Senate therein.

No. 204—A bill to amend an act entitled an act to provide for draining Lost creek in Vigo co., approved January 21, 1837, being read, was on motion of Mr. Moffitt, the rules being suspended, read a 2d time;

On motion of Mr. Sigler, the rules were further suspended, the bill read a 3d time and passed;

No. 243—A bill to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes.

Mr. Sigler moved to amend by striking out "three" and inserting "four;" a division of the question being called for, the question then was, on striking out, which was negatived.

Mr. Sigler then moved to amend by striking out 12 cents.

Mr. Clark moved to commit the bill to a committee of the whole and made the order of the day now.

The Senate went into a committee of the whole, Mr. Clark in the chair.

After spending some time therein, the committee rose, and Mr. Clark their chairman reported,

That the committee of the whole to whom was referred a bill of the House No. 243, relative to the payment of clerks employed by the revising committees during the present session, and for other purposes, have had the same under consideration, and made amendments thereto, in which they ask the concurrence of the Senate.

The Senate concurred in the amendments.

On motion of Mr. Clark, the rules were suspended, the amendment considered as engrossed, the bill read a 3d time and passed.

Mr. Baird, introduced No. 152, a joint resolution to authorize the judges of the supreme court to continue the revision of the statute laws of the State of Indiana.

On motion of Mr. Mitchell the joint resolution was rejected.

Mr. Thompson of P., from the committee on corporations reports,

That the committee on corporations to which was referred a bill of the House, No. 24, to incorporate the Morgan county Seminary, have duly examine the same and have instructed me to report it to the Senate without amendment, and ask to be discharged from the further consideration of the same.

The committee were discharged.

On motion of Mr. Sigler the bill was read a 3d time and passed.

Mr. Thompson of P. from the same committee reports,

That the committee on corporations to which was referred a bill of the Senate No. 113, to incorporate the Westfield Steam Mill Company, have duly considered the same and have instructed me to report it without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Thompson of P. the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of P. from same committee again reports,

That the committee on corporations to whom was referred a bill of

the House, No. 105, to incorporate the Rockport Steam Mill Manufacturing Company, have duly considered the same, and have instructed me to report the same without amendment, and ask to be discharged from the further consideration thereof. The committee were discharged.

On motion of Mr. Thompson of P., the rules were suspended, the bill read a third time and passed.

Mr. Thompson of P. from the same committee reports,

That the committee to whom was referred a bill of the House of Representatives, No. 39, to incorporate the town of Princeton have had the same under consideration and have made two amendments, to which the concurrence of the Senate is respectfully requested.

The amendments were concurred in;

On motion of Mr. Brady the amendments were considered as engrossed, the bill read a 3d time and passed.

Mr. Thompson from the same committee reports,

That the committee on corporations to which was referred a bill No. 40, to incorporate a certain company therein named, have had the same under consideration and made sundry amendments thereto, in which the concurrence of the Senate is requested.

The amendments were concurred in generally.

On motion of Mr. Casey, the amendments were considered as engrossed, the bill read a 3d time and passed.

Leave granted; Mr. Thompson of P. from the revising committee reports,

No. 153—A bill concerning corporations; which being read,

On motion of Mr. Dunn, the rules were suspended and the bill read a 2d time;

On motion of Mr. Brady, referred to a committee of the whole and made the order of the day for to-morrow.

The President laid before the Senate the following communication from the late Governor of the State of Indiana.

INDIANAPOLIS, 24th January, 1838.

HON. DAVID HILLIS,

President of the Senate:

SIR—Governor Wallace having transferred the resolution of the Senate to me, calling for any correspondence that may have taken place between the Governor of the State and the Commissioner of the General Land Office in relation to the lands due to the extended line of the Wabash canal, in virtue of the act of Congress of 20th March, 1837, I have the honor to comply with the call by laying before the Senate the correspondence had with that officer, during the late public service of the undersigned.

Respectfully,

N. NOBLE.

The correspondence above mentioned was

Ordered to be referred to a select committee of Messrs. Moffitt, Clark, Ewing, Finch, Colerick, Bowen and Puett.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The unfinished message of the House received this morning by Mr. Jones their member, was taken up.

No. 257—A joint resolution on the subject of a donation of public lands on the Erie and Michigan canal, which being read, was,

On motion, the rules being suspended, read a 2d time.

On motion of Mr. Crawford, referred to a select committee of Messrs. Crawford, Colerick, Baird, and Cathcart.

On motion of Mr. Kennedy the previous orders of the day were suspended.

Mr. Kennedy from the judiciary committee presented the following report:

Mr. PRESIDENT—

The committee on the Judiciary to whom was referred a resolution of the Senate instructing them to inquire into the conduct of the State Bank of Indiana and her branches, in relation to the suspension of specie payments for their notes, and to report to the Senate whether in their opinion the act of suspension of specie payment amounts to a forfeiture of the charter of said Bank, have had the subject matter referred to them, under consideration, and after bestowing upon it that mature reflection which the magnitude of the interest involved demands, a majority of said committee have directed me to make the following

REPORT.

The committee are aware of the delicate attitude in which they stand to the public, knowing as they do that the question involved in this investigation is one purely legal; that any decision which they may make is not conclusive either upon the Senate or the Bank, but can only be considered as the basis of the future action of this body (in case a majority of the Senate should concur in opinion with the committee) preparatory to the final adjudication of this exciting and important question, by the proper judicial tribunals of the country; the committee are also duly impressed with the weight of responsibility which devolves upon them, knowing as they do that a difference of opinion exists among the members of the committee and also in the public mind; believing too as they do that (however erroneous their opinion may be) emanating as it does from one of the standing committees of the Senate of Indiana, it will have some influence on the community, which may or may not be injurious to the interests of the State in relation to this particular subject; inasmuch, however, as the Senate by the adoption of this resolution of inquiry, have demanded an opinion, the committee do not feel themselves authorized to with-

hold an honest expression of their views upon this interesting question.

That the State Bank of Indiana, including her Branches, did sometime in May, 1837, suspend the payment of specie for her notes and deposits, is a fact which is incontrovertible; it has been announced to the Legislature, not only by the ex-Governor of the State in his last annual message, but the same fact has been officially communicated to the General Assembly by the President of the State Bank; it therefore only remains for the committee to express an opinion whether by such suspension of specie payment, and a refusal of the State Bank and Branches to redeem their notes, when legally presented at the counter of the respective branches, in gold or silver, amounts to a forfeiture of the charter of said Bank.

A majority of the Judiciary committee are of opinion that the suspension aforesaid by the Bank, does amount to a forfeiture of the charter of said bank.

It is not the intention of the committee to enter into an elaborate argument in support of this opinion; it is however due to them and to the Senate, that they should adduce some of the reasons which have impelled them to this opinion; the committee assume this position,

1st. That the *duties* of all bodies politic considered in their corporate capacities may, like those of natural persons, be reduced to this single one, viz: that of acting up to the end or design, whatever it be for which they were created. In order then to determine whether this corporation has acted up to, or fulfilled the end or design of its creation, we must examine for what reasons it was created. The committee will briefly state, that in their opinion, the State Bank and Branches were incorporated for the purposes of furnishing to the country a sound circulating medium, (to take the place of the paper of the Bank of the United States which was going out of circulation,) a currency which would be equal at all times, and under all circumstances, to gold or silver, the only legal and constitutional currency known to the United States Government. It was also one of the objects to be attained in the creation of this corporation, to increase the amount of the circulating medium, and to establish a more convenient currency than that of gold or silver, to be based however upon those metals, and convertible into one or the other of them at the pleasure of the holder: an institution of this character was loudly called for by the wants and necessities of the country, and for those purposes and upon those principles did our Legislature incorporate this bank. This view of the objects of its creation the committee think cannot be successfully refuted; if the position assumed by the committee in this particular be correct, has this corporation (the State Bank of Indiana) acted up to or fulfilled the end or design of her creation? We answer, she has not. Before, however, we enter into any argumentation upon this subject, it may be necessary the better to enable us to determine this disputed question, briefly to state the several legal modes in which a corporate body may be dissolved:

1st. By act of Parliament which is boundless in its operation.

2d. By the natural death of all its members in case of an aggregate corporation.

3d. By surrender of its franchises into the hands of the King, which is a kind of suicide.

4th. By a forfeiture of its charter through negligence or abuse of its franchises. In which case the law judges that the body politic has broken the condition upon which it was incorporated, and thereupon the incorporation is void.

It is not contended by the committee that this corporation comes within either of the three first named modes of dissolution, but that it does come within the last mentioned one, as prescribed by the law, the committee do not entertain one remaining doubt.

In determining this question, the committee conceive that they should confine themselves to the provisions of the charter, and ascertain, if possible, by a fair construction of this instrument, whether any of the alleged violations will amount to a forfeiture from the plain and unequivocal grants therein contained. By a reference to the 8th section of the Bank charter, the committee find this express provision couched in the following language:

"The said bank shall not at any time suspend or refuse payment in gold or silver of any of its notes, bills, or obligations, due or payable, nor of any moneys received upon deposit."

Here the committee think they might safely rest this question of forfeiture, with the fact notoriously known, that the bank has often violated this express and positive provision, thereby failing to act up to, or fulfill the end or design of, her creation. We conceive this to be not only a neglect of one of the imperative duties devolving upon her, but really an abuse of one of her chartered privileges; one, too, which strikes at the very object and design of her creation; one affecting more deeply in its influence, the great and vital interests of the community than all others. For the correctness of the position here assumed, that a negligence in using, or an abuse of the provisions of a chartered corporation amounts to a forfeiture, the committee would refer to 1st Blackford, 275, in the case of the State Bank vs. the State of Indiana, where the following doctrine is held by the court: "That a corporation may forfeit its charter for misusing or abusing its franchises, is a doctrine that cannot now be disputed, (see 1 Bl. Com. 485, 2nd Kyd on Corporations, 474,) and the authorities there cited, for there is an implied condition annexed to each particular grant, which, if violated, forfeits the whole franchise, 2d Bacon, 31. Inasmuch as it is the duty of corporations to act up to the end or design for which they were created, 1st Bl. Com. 480. So when they pursue such measures as wholly frustrate this design, the reason of their existence ceases, and it is but just that their existence should also be terminated. Whether every slight deviation from the intention of the charter should occasion a forfeiture, is not the question, but when the grand leading conditions and restrictions in the charter have been violated, there can be no question but the franchises are thereby forfeited."

In further support of this well-settled and leading principle of the

law, (in relation to corporations,) if any were necessary, the committee would cite the case of the State vs. Nathan Carr, where the same principle came up for decision, 5th New Hampshire Reports, 370, the following language is held by the court: "A corporation may forfeit its charter by an abuse or neglect of its franchises." If the committee be correct, as has before been observed, in the position by them assumed in regard to the object of the creation of this corporation, then, in their opinion, do the authorities cited amply sustain them as to the forfeiture of this charter.

The committee are, however, aware that those who contend for a different opinion, rely strongly upon the latter clause of the 8th section of the bank charter, which reads as follows: "If said bank at any time refuse or neglect to pay any bill, note, or obligation, issued by such bank, if demanded within the usual banking hours, at the proper branch where the same is payable, according to the contract, promise or understanding therein expressed; or shall neglect or refuse to pay on demand as aforesaid, any moneys received on deposit, to the person or persons entitled to receive the same, then and in every such case, the holder of any such bill, note, or obligation, or the person or person entitled to demand or receive such moneys as aforesaid, shall respectively be entitled to receive and recover interest on their said demands, until the same shall be fully paid and satisfied, at the rate of 12 per centum per annum from the time of such demand as aforesaid." The committee can scarcely believe that their opponents are serious in claiming an exemption of forfeiture of the bank charter, from any reasonable construction which can be given to the foregoing provision of the 8th section of the charter. In reply, however, to this doctrine as urged, the committee will say, that in their opinion, the 12 per centum per annum interest referred to in said section, is in the nature of liquidated damages, to indemnify the holder of the notes of said bank, in case of the refusal by the bank to redeem them in gold or silver. If, however, there is yet a remaining doubt upon this point, the committee do confidently believe that a recurrence to the 108th section of the same charter will satisfy the most sceptical of the correctness of the position we have assumed. The language of the section is as follows: "That it shall be lawful for the General Assembly, by and with the consent of the president and directors of the State Bank, and of the president and directors of each branch, and not otherwise to make such amendments and alterations in this charter as may be found expedient. *Provided*, That said bank or any of its branches shall not be authorized by any such amendments, to suspend or refuse the payment of specie for its notes, bills, or obligations, or for any moneys received upon deposit, and that no such amendments shall be made, the faith of the State is hereby pledged to the creditors of said bank and branches." The foregoing provisions of this 108th section seems clearly to refute the presumption which is pretended to be raised by the latter clause of the 8th section of this charter that a suspension of specie payment could not and does not operate as a forfeiture of the same, and that the only liability incurred by such an act is the

payment of the 12 per centum per annum interest as damages. If this doctrine be true, why insert a provision that the charter might be amended in a certain prescribed manner: *Provided, however,* That in no event should it ever be amended so as to justify or allow the bank to suspend specie payment, and solemnly pledge the faith of the State to the creditors of the bank for their safety against such an event. It appears from the language of this 108th section, that the legislature had in view two important objects: 1st, to retain the power, so far as they could, of amending the charter; and, 2nd, to guard the public, and particularly the creditors of the bank, from the injurious effects which always result from a suspension of specie payment by any bank. If it were intended to justify or permit this course to be pursued by this corporation, why insert this section, which effectually precludes the bank from exercising a power previously granted to her? How futile would be such legislation! how inconsistent with the character of the enlightened framers of this charter! what a comment is this doctrine, if true, upon the wisdom and political sagacity of those who gave being and life to this instrument! than which a safer and better one, if correctly construed, for the interests of the great body of the people, cannot be found in the history of banking institutions. But if additional arguments are necessary on this point, the committee would again recur to the case cited in 1st Blackford, 270 and 271, where the court decided the question, that if from a fair construction of the instrument itself, you cannot arrive at its true spirit and meaning, that you must recur to the original intentions of the framers of the charter of incorporation. The court in that case on this point, holds the following language:

"That when a measure would be highly injurious, we are not to presume that the legislature would adopt it; therefore, in seeking the meaning of doubtful words in legislative acts, we would always presume that the representatives of the people would pursue safe instead of dangerous measures." And further, that "a chartered right of acting with impunity, is dangerous and derogatory to the spirit of our government, and when connected with so much power, might be highly destructive of those equal rights guaranteed by our constitution. It would therefore require the most unequivocal terms, to evidence a belief that the legislature that gave, or the constitution that confirmed this charter, contemplated conferring such dangerous and destructive privileges. But independently of this consideration, it is evident that this clause in the charter was not inserted for the benefit of the banking company, but for the safe-guard of those to whom they might become indebted. The various restrictions that run through their charter are predicated on the idea of their accountability for transcending the bounds therein prescribed."

The foregoing language is used in this case upon a point not similar in fact to the one now under consideration, but it is precisely parallel with it in principle. In the case here decided, it appears that the corporation claimed that the legislature have no right to dissolve said corporation, because they had violated an express provision of their char-

ter, and for these reasons, that it was declared in that instrument that their franchise should continue for the term of twenty-one years. If this claim to an indissoluble corporation by the bank, was decided by the court to be a dangerous power, such an one as the good sense of the legislature never could or never would have sanctioned, how much more dangerous would the power claimed by the present State Bank of Indiana be to the vital interests of the community. The contrast in the two cases is immeasurable. What, claim a power for an universal monied institution to suspend the payment of specie for its notes, which form almost the whole circulating medium of the state, thereby breaking down every remnant of confidence which has been inspired in the public mind as to the solvency of the currency of the country; thereby wresting from the people at large, the money which is actually their own, (so far as the state is a stockholder in the bank;) thereby placing in the reach of the bank, a power, which if used for sinister purposes, may destroy the enterprise and industry of the whole country at one blow?

If the bank has the right to suspend specie payments for one day, nay, for one hour! by virtue of any power vested in her by the charter, she even by virtue of that same identical power may suspend specie payments for the remainder of her term, than which a more preposterous doctrine cannot be advanced or a more dangerous power claimed. It is, however, contended by those who advocate the negative side of this question, that this act was not done corruptly, and that the bank has been guilty of no moral wrong.—This may be true in one sense of the word, because it is a well settled principle of law, that corporations, in the language of Sir Ed. Coke, are “invisible and exist only in intendment and consideration of law; a corporation cannot commit treason, felony, or other crime in its corporate capacity.” See 1 Bl. Com. p. 519. Consequently, this act cannot be corruptly committed, because corruption is always conceived in, and springs from the mind, and corporations having no minds are incapable of acting corruptly in their corporate capacities, however corrupt may be the motives of their individual officers or agents. But, supposing the above position to be correct, it is not necessary for us to inquire into the intent of the officers of the bank, as the agents of that institution the only question to decide, is this—has the bank, by this act of her officers, so violated the charter as to subject it to forfeiture? And this question the committee wish to keep steadily in view, not being diverted from it by an examination of authorities as to points of law in no way connected with the pure and legitimate question now properly before the committee for decision, if at the time of suspension of specie payments by the bank, she was able, as has been repeatedly affirmed, to redeem her notes with specie. Then the law is with us, to prove that it was corruptly done, and that her continuance of the suspension of specie payments, is further evidence of that fact. See 1 Blackf. p. 276, where the following language was held by the court, on a charge against the Vincennes bank, for making large dividends whilst she refused to redeem her notes with specie: “if,” says the court, “they were at the

time of those dividends, able to redeem their notes and refused to do so, it manifests a fraudulent intention. If they were then unable to redeem them, their conduct shows a predetermination to continue so. It follows, then, that if the bank at the time of suspension was able to redeem her notes, her refusal to do so, is *prima facie* evidence at least, of a corrupt intention.

The committee, however, are not willing to charge any thing like fraud or corruption upon the bank officers, either in their individual or collective capacities; but on the contrary, they believe that they acted with an eye single to the interest, as well of the bank as the community at large. Viewing the subject in this light, the committee are of the opinion that the state should not take advantage of this forfeiture of the charter to wind up the concerns of the bank, but that the charter should be tendered back to the bank, with such amendments as time and experience has shown, would be for the good of all parties concerned; being ever mindful that the mad crusade which is now carried on in some parts of this republic against all banks, is calculated to drive all rational men into the other extreme; which is placing too much power in the hands of these institutions. The committee, in closing this report, will state that many positions might have been assumed by them, to the support of which they could adduce numerous respectable authorities, the tendency of which positions would go clearly to establish the correctness of the decision of this committee, but they forbear to argue this question further, inasmuch as we consider the most of those positions, are included within the general principles which the committee have taken as the basis upon which to build the arguments they have already adduced, and therefore need not be separately considered.

PARIS C. DUNNING,
GEORGE B. THOMPSON,
ANDREW KENNEDY,
AARON FINCH,
HENRY W. HACKETT.

Ordered to lie on the table.

Leave being granted Mr. Thompson of L. from the judiciary committee reports:

MR. PRESIDENT—

The Judiciary committee have had under consideration a resolution of the Senate, instructing them to inquire whether, in their opinion, the State Bank of Indiana has forfeited its charter, by a suspension of

specie payments; and the undersigned, a minority of said committee, have agreed to the following

REPORT.

The charter of our State Bank is but a contract, to which the State is a party. The public welfare and interest is a sufficient consideration of that contract, and, at the time of its creation by law, was the sole consideration of the grant. It confers, like all other acts of incorporation, certain corporate privileges, which must be exercised as they are either expressly delegated by, or inferable from the charter: but that exercise must be compatible with the ends to be attained by its creation. This opinion is sustained by Chief Justice Marshall, in delivering the opinion of the Supreme Court of the United States, in the celebrated case of *Dartmouth College vs. Woodward*, (4 Wheaton 636) where that distinguished jurist says, the properties possessed by a corporation "are such as are supposed best calculated to effect the object for which it was created." And again: "the objects for which a corporation is created are universally such as the government wishes to promote." It is also sustained in Blackstone's commentaries, (467) by Angell and Ames on corporations, (23) all other writers on the subject. Indeed we have not been able to find an opposing opinion.

There can be no hesitancy in asserting that before there can be a correct determination of the inquiry referred to the committee, there must be an examination into the causes which induced the creation of the bank, and the purposes for which it was created. For a considerable period of time previous to the year 1834, during which year the bank was incorporated, the withdrawal of that portion of the circulating medium of the country, which had been furnished by the issues of the late Bank of the United States, was anticipated. These issues had constantly furnished a sound and uniform currency to many of the States of the Union, and had constituted the greater portion of the circulation in this state. In consequence of the anticipated withdrawal of these funds, it became the duty of the State to fill the vacuum occasioned thereby, with a circulation of her own. For this purpose her bank was established—her own internal security being the primary object which induced that establishment.

These principles settled, the question occurs—what could the bank legitimately do, as expressed by her charter, or inferable from the letter and spirit of that instrument, or the intention of the creating power? That she was not to be confined to the express provisions of her charter, upon a restricted construction thereof, but had legitimate authority delegated to her, to exercise certain powers, necessarily inferred from her existence, and essential to her perpetuity as a financial institution, no one familiar with the history of banking operations, or accustomed to the construction of charters, can hesitate to admit. If this were not the fact, the act of incorporation itself would be a nullity; for in the very nature of monetary operations, it is impossible to make

specific delegation of all the powers necessary to their operations or preservation.

To understand properly the correctness and application of these principles, it is important to inquire into the nature of a corporation and the character of the act which confers its privileges.

A corporation is defined by Blackstone in his commentaries upon the laws of England, (2 Blac. Com. 37) to be a franchise. "It is," says he, "a franchise for a number of persons to be incorporated and exist as a body politic, with a power to maintain perpetual succession, and to do corporate acts; and each individual of such corporation is also said to have a franchise, or freedom." This franchise is a grant, to which there must be two parties—the party granting and the party accepting it; from each of whom an assent is requisite. From this mutual reciprocity certain obligations arise, which are binding upon the grantor and the grantees. It is therefore, a contract which imposes an obligation upon the grantees, (and this forms the consideration of the grant,) to "act up to the end or design for which they were created by their founder." (*Dartmouth College vs. Woodward*, 4 Wheaton, 658.)

Corporations are both public and private. Public corporations are those which are created for public political purposes only, such as towns, cities, parishes and counties; and in many respects they are so, although they involve some private interests; but strictly speaking, public corporations are such only as are founded by the government for public purposes, where the whole interests belong also to the government. (*Dartmouth College vs. Woodworth*, Wheaton, 669—Introduction to Angell and Ames on Corporations 8.) A private corporation, is one whose whole interest does not belong to the government. (Angell and Ames on Corporations 21.) A bank is a private corporation, if stock is owned by private persons, although it may be created by the government and its objects and operations partake of a public nature. Chief Justice Marshall in the case of the *United States Bank vs. The Planter's Bank of Georgia* (9 Wheaton's Reports 907) said: it is a sound principle that when a government becomes a partner, in a trading company, it divests itself, so far as concerns the transactions of that company, of its sovereign character, and takes that of a private citizen," *Bank of South Carolina vs. Gibbs*, 3 McCord's Reports 377—*State Bank of North Carolina vs. Clark*, 1 Hawk's Report 36—*Dartmouth College vs. Woodward*, 4 Wheaton 668—The case of *St. Mary's Church*, 7 Seargent and Rawle 559—2 Kent's Commentaries 222.

These principles thus established, and we think they will not be controverted, the State of Indiana, when she became one of the corporators under the act which created the bank, for all the purposes of the corporation, surrendered her sovereignty, and became one of the grantees, occupying the relation, to the remaining grantees, of a private citizen. Yet, although she thus became a grantee, as grantor she retained all the powers of her original sovereignty, as a party to the contract, for which she received a full and entire consideration. In the latter relation she demanded the protection of her interests and the performance of those acts essential thereto, for which purpose she del-

egated powers supposed to be necessary to effect that object.

It is certainly true, that although the bank charter be a contract, in legal contemplation, the State has retained the power of exacting the performance of that contract, according to its letter and spirit. Like all other contracts, it has a precedent and subsequent condition. The precedent condition imposes upon the grantees the performance of certain duties, and in the instance before the committee, we hold the most important to be, to furnish a sound circulating medium. This being the primary object for which the charter was granted, it is admitted that any contravention of that purpose would be a violation of the contract, upon the part of the grantees. This violation would, unquestionably, be a surrender of the contract—which violation (as in contracts between individuals) may be waived upon the part of the State, or the breach of the condition may be enforced. *Commonwealth vs. the Union Fire and Marine Insurance Company in Newburyport* 5 Massachusetts Reports 230. 3 American Common Law 445.

We admit the principle that if the bank has suffered to be done that which destroys the object for which it was instituted, it is equivalent to a surrender of its right; (*Slee vs. Bloom* 19 Johnson's Reports 456,) and as we have expressed our conviction that the primary object for which the bank was instituted, was to furnish a sound circulating medium, it is necessary to inquire, whether that primary object has not been complied with?

On the 18th May last, during a session of the Board of State Directors, intelligence reached that board "that nearly all the banks of the United States had closed their vaults." At that time, as the President of the bank has reported to the General Assembly, "the balances due that institution from other banks and their paper then on hand amounted to \$1,102,858 56. "This sum" says the President, "would have been totally unavailable, while specie payments were continued, and the bank must either have followed the example of others, or permit the brokers and banks of other states, the first informed and most active in these matters, to drain it of its specie, leaving the claims of the citizens of the State and the large deposits of the General Government unpaid, until collections of the notes and bills discounted could be made in specie funds, and until other banks could be compelled to pay what the public appeared to sustain them in refusing." If these conclusions be correct, the continuance to pay specie by the banks of this State, when a suspension had already taken place in the other States of the Union, would have been attended with the very consequence which it was intended to avoid—that is, the destruction of the circulating medium.

We are aware that we will be here met by the opinion, that, inasmuch as the 8th section of the charter provides that the bank "shall not at any time suspend or refuse payment in gold and silver of its notes &c." the act of suspension is of itself, a forfeiture. To understand the correctness of this opinion we must revert to the manner of the institution of the Bank, and take not only the whole of the 8th section, but

the entire charter together. For although it is readily admitted, that franchises may be forfeited by breach of the trust, upon which they were granted, and perversion of the end of their grant or institution (Com. Dig. title Franchise G. 3,) yet, we hold the principle equally well settled, that such forfeiture must be judged of from the entire instrument conferring such franchises. Let us then turn to the act of incorporation, and examine in what manner the Bank was created and organized.

By her charter she is made a State Bank and Branches, and required to establish such branches as are pointed out in the contract. The charter is given to her as a State Bank, and if she fails to establish the branches as enumerated in the charter, such failure works a forfeiture; which is the penalty attached to such violation of trust. (See sec. 1 and 2.) This, it will be perceived, is an affirmative obligation imposed upon the State Bank, and necessary to be discharged before the object of the charter can be carried into effect. After its discharge, provision is made (See 5) for the election of Directors of the State Bank, at their times of meeting, and for the loaning of money through their branches, and not otherwise. From this provision of the charter, it might well be doubted, whether any act of the branches, connected with the loaning of money, could operate as a forfeiture, for it seems that the branches cannot act at all, but that the State Bank acts through them. If then, the branches should act without the authority of the State Bank, it would be alone the act of the branches, and could not prejudice the State Bank,—for the law compels her to establish the branches, and it will not be pretended, that the ordinary principles applying to agents transcending their authority can be applied to such case.

But it may be contended that where there is no express delegation of power contained in a charter, the exercise of a power not thus expressed is a forfeiture. This is true to some extent, but like many other important rules of construction, it has exceptions. In illustration of this principle we will take the 53d section of the Bank charter, which contains a provision that “no failure on the part of the General Assembly or of the branches to elect directors of the State Bank shall be considered as a dissolution of this corporation, but the directors for the time being shall continue to hold and exercise their offices until their successors are chosen and qualified.” Let us suppose that the charter did not contain this provision, and that there was nothing in it upon that subject, except the general provision requiring the election for directors of the branches, to be held on the first Monday in each November, we respectfully ask, whether a failure to elect on that day, would operate as a forfeiture? We think not: for we hold it as well settled, that if a corporation fail to elect officers, on its corporate day or time, still the corporation does not cease; the old officers retain their powers, and may act until they are superseded by new appointments. *Wier vs. Bush* 4 Lit. Rep. 483. *Slce vs. Bloom* 5 John Chan. Rep. 378. *People vs. Runkle*, 9 John Rep. 149. The reason of this construction is readily perceived. It is essential that it should be enjoyed, for the purpose of carrying out the original intention of the act of incorporation.

We will take another example in illustration of this principle. The 98th section of the Bank charter makes it unlawful "for said bank and branches at any time to have a greater amount of debts due to said bank and branches, than twice the amount of the capital stock actually paid in"—and that if any such excess shall occur, "the directors under whose administration it shall happen, shall be liable for the same in their individual and private capacities."—Here is an *affirmative* restriction, with an individual liability attached to its violation. Will it be contended that its violation is a forfeiture? We think it cannot be, with plausibility, for it is clearly manifest that such was not the intention of the legislature.—The 99th section says, "every director not present at the meeting when such excess shall be created or contracted, shall, nevertheless, be deemed to have been concerned therein, if the same shall appear on the books of the board, and he remain a director for six months thereafter, and does not within that time give notice of the same, as required in the preceding section," (98th.) Certainly, if the excess alluded to was intended by the legislature to work a forfeiture, no provision would have been inserted in the charter, continuing a director, concerned in such excess, in office for six months; for, if it were a forfeiture a *scire facias* or *quo warrant* to might issue, judgment be rendered and the branch closed before the expiration of the six months. No construction can carry with it more ample evidence of correctness, or afford a more correct rule of interpretation by which the *intention* of the legislature in regard to the subject immediately presented to the committee, may be perceived.

But we will proceed more immediately to the question before us—whether the suspension of specie payments is a forfeiture of the charter? We have already asserted it as our opinion that the essential object of the charter was *not* the payment of the liabilities of the Bank in specie, but to furnish a sound circulating medium, to the preservation of which the payment of specie is ordinarily necessary, but such payment is only secondary to the main object, and might legitimately be neglected when it was requisite to preserve such main object.

It is impossible in the very nature of financial affairs, to create a banking institution without much complexity. Our State Bank is perhaps more so than similar institutions ordinarily are. It transacts all its business through branches, all of which are under the immediate supervision and control of a State Board, composed of one director from each branch, and a president and four directors, appointed by the State. That the branches are to be considered as so many agencies, may to some extent be true, but it cannot be true in that extended sense which would justify the application of those principles of law which require the principal to answer for the conduct of the agent, because, as we have already said, the bank was left to the exercise of no discretion in the creation of the branches. Although a restraining power is given to the State Board, to keep the branches within the bounds required by law, yet, certainly, a transgression, as we have already shown, in the case of excess by the branch, cannot be considered as an act of misfeasance by the State Bank. That it was supposed

improper proceedings might be had in the branches which should not implicate the whole banks, is evident, not only from the above illustration, but from the authority given to the State Board "to limit," "control," "suspend," and even "close up the affairs and business of the branch entirely," and which it is plain, from the spirit of the charter, are to be exercised for "the interest of the State and the safety of the other branches," as expressed in its 44th section.

Any act of a branch not known to the parent board, or which it does not either directly or indirectly approve, or of which, when it is informed, it takes sufficient measures to prevent the repetition, the whole institution cannot, by even the most illiberal construction, be liable for. Will it be contended that one portion of community should suffer for the guilt of others, in which they had no participation whatever, either by themselves or agents? This question settled affirmatively, and the rule of construction which it contains, applied to the construction of our bank charter, the tenure of vested property in corporations would be so precarious and uncertain, that there would be no hesitancy in opposing their future establishment and escaping from the destruction of those already in existence. It cannot for a moment be indulged, by reflecting minds.

We may, however, be here met with the inquiry—what is such an act on the part of the bank, constituting a violation of its charter, as ought to occasion a forfeiture of its franchise! Let the settled and established principles of the law, as they have been pronounced from our own courts, furnish the answer. In the case of the State Bank vs. the State, 1 Blackford's Rep. 275, the court says: "Inasmuch as it is the duty of corporations to act up to the end or design for which they were created; so as they pursue such measures as wholly frustrate this design, the reason of their existence ceases, and it is but just that their existence should also be terminated. Whether any slight deviation from the intention of the charter should occasion a forfeiture is not the question, but when the grant, leading conditions and restrictions in the charter have been violated, there can be no question but that the franchises are thereby forfeited. The charges found by the jury against the corporation, show that they have evidently abused their most important privileges to the manifest injury of others and of the community in general."

We might rest the question of forfeiture here, for we have not yet heard the position advanced, that by any violation of the "grand leading conditions and restrictions" of the charter, has the bank destroyed the "reason" of its "existence," or failed to "act up to the end or design for which it was created," having by the suspension of specie payments, as is universally admitted, acted to the "manifest injury" of no class of our citizens, but having thereby resorted to the most effectual means of promoting the welfare "of the community in general," by preserving its own existence and a sound currency.

We will not, however, stop here for the subject is too important a one, not to be presented to the public mind in all its bearings.

It will be recollected that the law leans so much against the forfei-

ture of franchises, that an express provision is usually inserted in bank charters, making a suspension of specie payments the occasion of an absolute forfeiture. We will cite a few instances. The 5th section of the charter of the bank of Kentucky, has expressly provided that for failure or refusal to pay specie, &c. the charter shall be forfeited, (acts of Ky. 1833, p. 621). The charter of the Northern Bank of Kentucky, (acts of Ky. 1834, p. 169,) contains also a similar provision.— These provisions would certainly not have been inserted in these charters, had the Legislature of Kentucky supposed that the failure to pay specie, would have been a forfeiture without them.

The charter of the Ohio Life Insurance and Trust Company, contains an express provision that a suspension of specie payments, for more than thirty days, shall be a forfeiture of the charter. This company suspended specie payments, and resumed on the 29th day, and it has not been contended, within our knowledge, that the penalty of that conduct, is a forfeiture of the franchise.

The 4th section of the charter of the Commercial Bank of Cincinnati, is very similar to the 8th section of our bank charter. It as clearly defines the obligation to pay specie, as our own, and it is conceded by all that she has not forfeited her charter by the suspension of specie payments.

Those who contend that the charter of the State Bank of Indiana is forfeited, chiefly rely upon the construction which they give to its 8th section. That section is as follows:

“The said bank shall not at any time suspend or refuse payment in gold or silver of any of its notes, bills or obligations due or payable, nor any moneys received upon deposit; and if said bank at any time refuse or neglect to pay any bill, note or obligation issued by such bank, if demanded within the usual banking hours, at the proper branch where the same is payable according to the contract, promise, or understanding therein expressed, or shall neglect or refuse to pay on demand as aforesaid, any moneys received on deposit, to the person or persons entitled to receive the same, then, and in every such case, the holder of any such bill, note, or obligation, or the person or persons entitled to demand or receive such moneys as aforesaid, shall respectfully be entitled to receive and recover interest on their said demands, until the same shall be fully paid and satisfied, at the rate of 12 per centum per annum, from the time of such demand as aforesaid, and any branch so failing to meet its engagements may be closed as in case of insolvency.”

To understand properly the construction of this section, reference must be had to some plain and well settled principles of law.

The forfeiture of its charter by a corporate body, is in the nature of a penalty, incurred for its violation. A penalty must be expressed in the act of incorporation. It cannot be raised by implication. (Jones vs. Estis 2 John. Rep. 379: 7 A. Com. Law Rep. 287.) We may, therefore, lay it down as a settled rule, that a forfeiture cannot be implied, as the penalty of an act, to which there is an express penalty

attached. It is especially directed by law, as the appropriate remedy, only when other remedies fail.

What is the penalty under the 8th section? It is in its nature, double. 1st. The recovery of 12 per cent. by the holder of the bill, note, or obligation, for the payment of which in specie, refusal is made. 2d, For such failure the branch may be closed as in case of insolvency. These we will examine as they occur.

1st. The payment of 12 per cent. to be recovered by suit without stay of execution. This, which affords the public ample security for the payment of the bills, is a heavy penalty, and, although it may be contended that it was exclusively intended to benefit the individual holder of the bills, it most certainly forbids the idea that a suspension of specie payments amounts to a forfeiture. If a forfeiture were to take place by the suspension, how could the 12 per cent. be recovered? There must be a demand and refusal before forfeiture; and after the demand and refusal, the holder of the bill is driven to his remedy at law, by suit. If the refusal forfeits, the corporation is dissolved, (because a forfeiture is a dissolution,) and would be neither capable of suing or being sued. It would lose its legal existence, for being a creature of the law, it must subsist or expire by the sanction or condemnation of the law. But the charter evidently intended that after a suspension, the corporation should remain in existence, for without its existence the provision in favor of the bill holder, would be a mockery of individual rights, and a dead letter upon the statute book. Indeed, we cannot well conceive how an action could be maintained against a dissolved corporation, an ideal being, a creature without existence, one that has lived, but is dead. There are some fictions in the law; but they stop far short of this assumption.

2nd. The branch may be closed as in case of insolvency.

We are aware that it is contended that the word "may," has an imperative meaning in the construction of statutes which refer to the duties of public officers, and means must or shall. This opinion is to a certain extent correct, but as a general rule, it is not the law. The principle which is embraced distinctly in 5 John. Chan. Rep. 113, in which the court say, that "whenever an act to be done under a statute is to be done by a public officer, and concerns the public interests, or the rights of third persons, which require the performance of the act, then it becomes a duty in the officer to do it," we recognize as the established rule. It applies to those cases where the officer can exercise no discretion as to the performance of the act enjoined upon him. For instance, our revised laws of 1831, contain a provision, (page 298,) in relation to justices of the peace, which says, "Every justice may grant subpœnas for witnesses to either party concerned in the cause pending." Here, and in many other places in the statute, it unquestionably means must or shall, because it is the right of either party to demand the subpœna, and the justice cannot exercise a discretion as to the propriety or impropriety of granting it. It is to this extent that all the decisions of the courts have gone, and we think that the current of authorities has thus settled the rule. If the opposite opin-

ion prevail, we are thrown into interminable difficulty, and we very much question whether we could get deliverance from the labyrinth. Let us test it, by its application to the charter of the bank, without going farther for examples.

The 2nd section of the act amendatory of the bank charter, approved Jan. 28, 1834, provides, "that the president and directors of the State Bank may, from time to time, authorize the several branches, or any of them, to extend their discounts," &c. &c.

The 3rd section of the same act provides, "that the president and directors of the State Bank may empower any of the branches at their own expense, to open books for the transfer of stock in any of the cities of the United States; and any such branch may authorize transfers of any portion of its stock," &c. &c.

Can it be contended with any degree of plausibility, that the Legislature, by the use of the word *may*, in these two instances, intended to compel the State Board to authorize an extension of discounts, and to open books "in any of the cities of the United States," for the transfer of stock! Surely, such argument needs only to be stated to give ample evidence of its own fallacy, and it is needless to pursue it.

If, however, there is any doubt in regard to this construction, the following extract from the journal of the Senate of Indiana, at its session in 1833, page 249, will certainly dispel it.

"Mr. Thompson moved further to amend the bill, by striking out in the last line of the 8th section the word "may" and insert "shall" in lieu; and by adding to the end of the section these words—"and the State Bank of Indiana shall pay all the notes of said branch banks on presentment."

"Mr. Morgan moved to amend the amendment, by striking out all, except the proposition to strike out "may" and insert "shall." And, on this question,

Those who voted in the affirmative were,

"Messrs. Battell, Clark, Culley, Daily, Dumont, Embree, Griffith, Hendricks, McCarty, Morgan, Morrison, Payne of H., Sigler, Wallace and Whitcomb—15.

Those who voted in the negative were,

"Messrs. Beard, Chambers, Collett, Farrington, Feeny, Hanna, Hillis, Hoover, Long, Mastin, Paine of F., Tannehill and Thompson—13.

"So it was decided in the affirmative. The question recurring on the proposed amendment as amended—on this question,

Those who voted in the affirmative were,

"Messrs. Battell, Daily, Hendricks, Leviston, Morgan, Morrison, Sigler and Thompson—8.

Those who voted in the negative were,

Messrs. Beard, Chambers, Clark, Collett, Culley, Dumont, Embree, Farrington, Feeny, Griffith, Hanna, Hillis, Hoover, Long, Mastin, McCarty, Paine of F., Payne of H., Tannehill and Whitcomb—20.

"So it was decided in the negative."

This conclusively evidences the intention of the Legislature in creating the bank, and leaves no doubt of the construction of the latter clause of the 8th section, and of the fact that the Senate of Indiana at least, did contemplate back to a suspension of specie payments.

It may be well enough to notice here the 108th section of the charter, as some doubts, we are aware, have been entertained as to its construction. It is thought that that section conclusively settles the question of forfeiture, inasmuch as its proviso takes it out of the power of the Legislature to authorize a suspension. This, however, we conceive is not a fair construction of that section. It is as follows:

"That it shall be lawful for the General Assembly, by and with the consent of the President and Directors of the State Bank, and of the President and Directors of each Branch, and not otherwise, to make such amendments and alterations in this charter as may be found expedient. *Provided*, That said bank or any of its branches shall not be authorized by any such amendment to suspend or refuse the payment of specie for its notes, bills, or obligations; or for any moneys received upon deposit, and that no such amendment shall be made, the faith of the State is hereby pledged to the creditors of the bank and branches."

There can be no doubt as to the construction of this section, when the whole of it is taken together. It is evidently intended for the benefit of the holder of the notes, bills or obligations of the bank, for the "faith of the State" is pledged to the "creditors" of the bank, that no such amendment shall be made. If such amendment were made, it would deprive the creditor of his right to recover the twelve per cent. penalty authorized by the 8th section of the charter, and it is for the security of that penalty that the section is intended. Take this and the 8th section together, and it must be perceived that the Legislature anticipated such a contingency, as a suspension of specie payments, and intended this section as a guarantee to the creditor that the penalty given to him in the 8th section should be collectable, and should not be interfered with by subsequent legislation.

But farther difficulty may be presented in regard to the penalty of twelve per cent. If the suspension be a forfeiture, we cannot conceive why the Legislature, instead of giving the State Bank power to close the suspending branch, did not make a positive declaration of forfeiture. If that act were a forfeiture, it must be ascertained by a *scire facias*, and if declared so, the power of closing the branches is taken from the State Board. To arrive at the conclusion, under this state of facts, that it was the intention of the Legislature to take this power from the State Board, evidently involves contradiction.

From the 44th to the 50th sections of the charter, are contained the proceedings in relation to the insolvency of a branch. They are not intended for the benefit of the creditors of the bank, for the creditors have ample means of enforcing the collection of their debts, without them. Nor has the State, in her sovereign character, any interest in the enforcement of these proceedings. They affect only the bank and branches, and are provided as a means of indemnity against the mutual liabilities and responsibilities of the bank and branches for each other. But the closing of a branch, is not absolutely imperative upon the State Board as is amply evidenced from the 44th section. That section says, the State Board "shall have power" to close a branch upon certain contingencies, "if the interest of the State, or the safety of the other branches require it." Here is evidently a direction, the exercise of which must depend upon "the interest of the State" and "the safety of the branches." So far as insolvency, either real or constructive, implied by a suspension of specie payments, can operate as a motive for the proceedings, the State has no interest to be affected, but her interest as a private corporation—a stockholder in the bank. And as a stockholder she stands upon a level with the other stockholders and can claim no right or privilege which is not granted to them. (2 Bro. Rep. 394: 9 Wheat. Rep. 904: 2 Pet. Rep. 318.)

In common with other stockholders, the State can only act upon the question of insolvency of a branch or branches, through her constituted agents—the directors of the State Bank, to whom the determination of this question is confined. It is confided to them as a question of "interest," so far as the State is concerned, and of "safety" so far as the Bank is concerned: questions upon which, in the instance before us, we have yet heard the expression of but one opinion.

We may here be met with the inquiry, whether the neglect of the State Board to suspend the branches, is an act of such a character, that the charter is necessarily forfeited? and this question involves some of the considerations presented in the last view of the subject. The reasons for suspending a branch are "for good cause," where a "branch is insolvent or is mismanaging its affairs whereby the interests of the other branches is endangered, or that a branch hath violated any of the provisions of the act," &c. The true meaning of this part of the charter can be had, only in connection with the clause, "whereby the interest of the other branches is endangered:" and the subsequent clause "if the interest of the State and the safety of the other branches require it,"—for no one will contend that the inadvertent omission to make a report, or the failure on account of impossibility to comply with an order of the State Board, should be considered in the same light as a fraudulent insolvency. That the suspension of a branch by the State Board, should only be for good and sufficient cause, is evident from the 49th section of the charter, in which it is provided that an "order for suspension shall be carried by at least two thirds of the members present, at some meeting, to attend which all the members of the board shall have been notified." This clause shows, beyond all dispute, that in deciding on suspending a branch, the State Board should

exercise a sound discretion, in reference to the security of the bank, and the good of the public. A plain case was intended to be made out, or a vote of two thirds of the directors would not have been required in favor of the suspension. It need hardly be asked, whether in the suspension of specie payments, such a case has been made out, when neither by the public nor the Legislature has any disapprobation of the action of the State Board been expressed. All the common sense of the country must, at once perceive that the bank has not "abused its most important privileges to the manifest injury of others, and of the community in general:" but that if it had taken a different course, and kept its vaults open for the payment of specie, the public interest would have been abused, the original purposes of the bank subverted, and its most important duty to itself and the country left undischarged.

If some providential affliction—the cholera or an earthquake had passed over the country, and for a time, prevented the performance of the common duties of courts, legislative halls, and private citizens, public opinion would have acquiesced in any unavoidable failure of official duty; and can an act upon the part of the directors of the bank be the subject of reprehension and censure, when it is but the exercise of a power given them by the charter, in conformity with the public wishes and the public good?

We know that it is difficult to separate the mere question of forfeiture, from considerations connected with the conduct of branches upon other subjects, and questions relative to subsequent amendments to the charter. This difficulty we have endeavored to avoid, and have treated the subject immediately embraced in the resolution of the Senate, as an isolated proposition. It may be said that the bank is thrown into difficulty, by the storm of adversity which has swept over the land and should be compelled to acquiesce in any terms prescribed by the Legislature. This is a delicate proposition and involves too largely the interest of the State and her associate corporations, to be disposed of without much reflection. We do not think it our duty to pursue it. If the Bank has done its duty to the public and itself, shall calumny rest upon its officers, and its just rights be forfeited? Such treatment by an individual would be branded with infamy and dishonor, and shall a sovereign State be less mindful of what is just and generous?

We are too prone to attach discredit to an institution, when guilt can alone be attributed to the conduct of some of its officers. We should divest our reflections of these things, in determining the case before us, and let our judgment obtain dominion. If any officer of the bank is unworthy of the trust confided to him, let him be arraigned before the bar of public opinion, which has never failed to pronounce condemnation upon the conduct of faithless agents. But let us not condemn an entire institution, because a portion of it has done wrong. Our bank is not like other corporations, governed by directors elected by the stockholders, and there is nothing more easy than for public opinion to settle upon the offending agent. By reference to the books of the bank, it will be found that two of the branches (Vincennes and

Evansville,) voted against the resolution advising a suspension, and we know of no evidence before the Senate, of a refusal of either of those branches to redeem their notes in gold or silver, upon actual demand. Indeed there is no evidence which extends to the other branches, beside that which is afforded from the fact of their having been two instances of suit brought. This recourse to legal process, by but one person, affords strong evidence that the desire of the public to demand specie of the bank, has been influenced by the circumstances which have controlled the bank in its operations.

It may be that there are practices in some of the branches that ought to be corrected. Let them not be judged of without a trial. The spirit of our institutions requires that they should be heard. It is wrong that these should forestall the question of forfeiture. If they do exist, let the attention of the State Board be directed to them, and let our further steps be directed by their willingness or refusal to remove them. The manner in which the directors of the State Board are elected, and the duties assigned them by the charter, shew that they must perform a variety of acts, according to their best judgment and direction; and if this be true, a liberal construction of law should be put upon all acts, not proceeding from corrupt motives, nor injurious to the public interests.

By the present charter, the public are not without ample guards in relation to the future action of the bank. The legislature may appoint an agent to examine it minutely, if the public interest should require it. The directors have yet much to do. Though they may not have, thus far, failed in duty, they have difficulties to encounter before they will come out unscathed, from the misfortunes which have been thrown around them by the commercial and financial adversity which has extended throughout our entire country. If any branch shall not make the necessary preparations to resume specie payments simultaneously with other branches and banks, and the State Board fail in suspending or otherwise restraining such delinquent, or erring branch, to them will be meted out a just portion of public indignation—and they would become justly liable to the inquiry—whether they were not corruptly failing to use the power of corrective conferred by the charter.

Entertaining these views, to which we have arrived after a most laborious and minute examination, we recommend to the Senate the passage of the joint resolution herewith reported.

R. W. THOMPSON,
D. H. COLERICK,
T. D. BAIRD,
WM. ELLIOTT,

Be it resolved by the General Assembly of the State of Indiana, That the recent suspension of specie payment by the Branches of the State Bank

of Indiana, was justifiable and necessary. That the approbation thereof by the Directors of the State Bank was properly given.

Be it further resolved, That it is the duty of said directors to require every Branch of said Bank to resume specie payment within thirty days after a general resumption thereof in the Atlantic cities, and simultaneously with the banks in Ohio and Kentucky; and that any Branch failing so to resume ought to be suspended. That on the failure by the directors of the State Bank to suspend any Branch not resuming specie payment as above, the Governor of this State shall cause a scire facias to be sued against said Bank for failing duly to exercise the power in it vested by the charter.

No. 154—A joint resolution in relation to the State Bank of Indiana, which being read, was ordered to a 2d reading on to-morrow.

Mr. Bowen moved to lay the report and joint resolution on the table and 500 copies be printed, together with the report from the majority of the judiciary committee on the same subject.

Mr. Moore moved to amend by striking out 500 and insert 1000 of each. The question being, shall the reports be printed?

Which was agreed to.

Mr. Brady moved to reconsider the vote on printing.

Which was negatived.

The question then was, shall 1000 copies be printed?

Which was negatived.

The question then was, shall 500 copies be printed?

Which was agreed to.

So the reports were laid on the table and 500 copies ordered to be printed.

Mr. Colerick moved to suspend the previous orders of the day and take up the joint resolution of the Senator from Jefferson, in relation to the State Bank of Indiana.

Which was agreed to.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Beard of M., Bell, Bowen, Bradbury, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Ewing, Green, Hoagland, Little, Mitchell, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter
—26.

Those who voted in the negative were,

Messrs. Brady, Casey, Cathcart, Daily, Dobson, Dunning, Finch, Hackett, Kennedy, Moffitt, Moore, Puett, Smith, Stewart, Turman, Thompson of P., Tuley, Walker, and Watts of D.,—19.

The question was, shall the joint resolution be committed with instructions to the judiciary committee?

Mr. Thompson moved to amend, by referring it to a select committee.

A division of the question being called for, the question then was, shall the joint resolution be committed? which was decided in the affirmative.

On the question, shall the joint resolution be referred to the judiciary committee? It was decided in the negative.

The question then being, shall the joint resolution be referred to a select committee?

The Senate decided in the affirmative.

And on the question, shall the joint resolution be so committed with instructions?

Mr. Thompson of L. moved to amend by striking out the instructions as proposed by the Senator from Ripley, and insert "to recommit to a select committee with instructions to strike out from the resolving clause, and insert the provisions of the joint resolution reported by a minority of the judiciary committee.

Mr. Kennedy moved to amend by striking out all that part of the instructions which refer the resumption of specie payments in the Atlantic cities and insert "30 days after the adjournment of the General Assembly.

A division of the question being called, the question then was on striking out; which was not agreed to.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Brady, Casey, Cathcart, Daily, Dobson, Dunning, Finch, Green, Hacket, Kennedy, Moore, Smith, Stewart, Turman, Thompson of P., and Walker—15.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Ewing, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Tuley, Watts of D., Watt of U. and Vawter—30.

Mr. Ewing moved to amend by inserting "and simultaneously with the Banks of Ohio and Kentucky;" which was accepted.

On the question, shall the instructions as amended by the Senator from Lawrence be adopted? the Senate decided in the affirmative.

The joint resolution with the instructions were referred to a select committee of Messrs. Thompson of L., Colerick, and Clark.

Leave being granted, Mr. Thompson of L. from the select committee reported,

That the select committee to whom was referred a joint resolution on the subject of the State Bank of Indiana, with instructions, have considered the same, and directed me to report it back to the Senate

with an amendment, in which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

On the question, shall the joint resolution pass? The Senate decided in the affirmative.

The following message was received from the Governor, by his private secretary, Mr. Maguire.

Mr. PRESIDENT—

His Excellency the Governor has approved and signed acts entitled as follows, to-wit:

No. 37—An act to provide for the collection of a part of the revenue of Laporte county, and for other purposes;

No. 63—An act to legalize the sale of school lands in the county of Floyd;

No. 64—An act to amend an act to provide for a general system of internal improvements;

No. 67—An act to appropriate a certain portion of the three per cent. fund belonging to Cass county;

No. 130—An act to authorize the Laporte circuit court to hold a special session;

No. 12—An act to vacate part of Solomon Roming's addition to the town of Lafayette;

No. 21—An act relative to changing the mode of electing a commissioner of the three per cent. fund in the county of Daviess;

No. 31—An act to incorporate the Marion county Fire Engine Company.

On motion, Senate adjourned.

FRIDAY MORNING, JAN. 26, 1838.

Senate assembled.

The following message was received from the House of Representatives by Mr. Glenn their member:

Mr. PRESIDENT—

I am instructed to inform the Senat that the House of Representatives has passed the following resolution, in which the concurrence of the Senate is requested:

Resolved, That the joint committee on revision be instructed to report a bill limiting the number of Fund Commissioners to two, to be

elected by joint ballot of the two houses of the General Assembly.

Mr. Brady moved that the Senate concur in the resolution of the House.

Mr. Beard moved to concur, with the following amendment, strike out the words "joint ballot"—not agreed to.

Mr. Clark moved to amend by inserting the words "*viva voce*" after the word "ballot."

Mr. Colerick moved to strike out the word "two" and insert "three"—which was negatived.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Clark, Colerick, Crawford, Dobson, Little, Mitchell Sigler, Thompson of J., Thompson of L., and Watt of U.—10.

Those who voted in the negative were,

Messrs. Beard, Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Cole, Daily, Dunn, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Stanford, Stewart, Thompson of P., Trask, Tuley, Walker, Watts of D. and Vawter—34.

Mr. Sigler offered the following amendment, "to serve for the term of 3 years, from and after such appointment and until a successor or successors may be elected and qualified—which was accepted.

Mr. Bell moved that the joint resolution and amendments be laid on the table—which was negatived.

The question then was, shall the amendments be adopted? The Senate decided in the affirmative.

Mr. Clark moved further to amend by striking out from the resolving clause, and insert "that the board of Fund Commissioners shall be so re-organized that there be elected by joint vote *viva voce*, of both Houses, two Fund Commissioners to contract for loans and make sales of State bonds; and that there be elected in like manner a Commissioner of accounts, who shall keep his office at Indianapolis, to whom the Fund Commissioners shall make report of all loans by them made—the Board of Internal Improvement, shall likewise make report of and settle their accounts with said Commissioner of accounts. Said officers to hold their offices for the term of three years from and after such appointments, and until a successor or successors be elected and qualified.

Mr. Stanford proposed to amend the amendment by adding, "and that said Commissioner of accounts, shall discharge the duties of Secretary of the Board of Internal Improvements—which was accepted.

Mr. Morgan of R. moved further to amend the original resolution by adding, "and that the Fund Commissioners shall annually settle with the Treasurer of State—which was agreed to.

A division of the question being called, the question was then on striking out, as proposed by the Senator from Tippecanoe.

And on the question "shall the resolution be stricken out from its resolving clause?" The Senate decided in the negative.

On motion of Mr. Brady the resolution as amended was concurred in.

The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Beard, Bowen, Clark, Colerick, Crawford, Little, Mitchell, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., and Watt of U.—14.

Those who voted in the negative were,

Messrs. Baird, Bell, Bradbury, Brady, Casey, Cathcart, Chambers, Cole, Daily, Dobson, Dunn, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Moffitt, Moore, Morgan of D., Morgan of R, Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker, Watts of D., and Vawter—32.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

MR. PRESIDENT—

The House of Representatives have passed engrossed joint resolutions and bills of the House, entitled as follows, to wit:

No. 121, a joint resolution relative to taxing the public lands.

No. 122, an act relative to the County Library of Sullivan county.

No. 151, an act changing the name of Edinburgh, in Franklin county.

No. 154, an act authorizing Lewis Jones and others, to sell lot No. 67, in the town of Washington, in Daviess county, and for other purposes.

No. 155, an act to change the name of the town of Carthage in Harrison county.

No. 169, a joint resolution relative to refuse lands on the Wabash river.

No. 177, an act to legalize the proceedings of the Board of Justices in the county of Decatur.

No. 181, an act to provide for a Justice of the Peace in Maysville, Daviess county.

No. 184, an act declaring Turman's creek a public highway.

No. 191, an act for the relief of John Matthews.

In which the concurrence of the Senate is requested.

The House has also passed an engrossed joint resolution of the Senate, entitled

No. 74, a memorial and joint resolution relative to the Public Lands in the State of Indiana.

With the amendment, in which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

No. 121, a joint resolution relative to taxing the public lands, was read a 1st and 2d time, the rules being suspended.

Mr. Morgan of R. moved that the rules be further suspended and the joint resolution read a 3d time now.

Mr. Ewing moved to indefinitely postpone.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

No. 121, a joint resolution relative to taxing the public lands, which was pending on adjournment, was taken up.

On the question shall the joint resolution be indefinitely postponed, the Senate decided in the affirmative.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Bell, Bowen, Brady, Cathcart, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Ewing, Green, Hoagland, Morgan of D., Sigler, Stanford, Turman, Thompson of J., Thompson of I., Trask, Walker, Watt of U. and Vawter—25.

Those who voted in the negative were,

Messrs. Beard, Bradbury, Casey, Chambers, Daily, Finch, Hackett, Kennedy, Little, Mitchell, Moffitt, Morgan of R., Mount, Puett, Smith, Stafford, Stewart, Thompson of P., Tuley, and Watts of D.—20.

No. 122, an act relative to the county Library of Sullivan county, was read a 1st, 2d and 3d times, the rules being suspended, and passed.

No. 151, a bill changing the name of Edinburgh, in Franklin county, was read a 1st, 2d and 3d times, the rules being suspended and passed.

No. 154, a bill authorizing Lewis Jones and others, to sell lot No. 67, in the town of Washington in Daviess county, and for other purposes, was read a 1st and 2d times, the rules being suspended.

On motion of Mr. Dunning, referred to Messrs. Moore, Dunning, and Chambers.

No. 155, a bill to change the name of the town of Carthage in Harrison county, was read a 1st, 2d and 3d times, the rules being suspended, and passed.

No. 169, a joint resolution relative to refuse lands on the Wabash river, was read a 1st, 2d and 3d times, the rules being suspended, and passed.

No. 177, a bill to legalize the proceedings of the Board of Justices

of Decatur county, was read a 1st, 2d and 3d times, the rules being suspended, and passed.

No. 181, a bill to provide for a Justice of the Peace in Maysville, Daviess county, was read a 1st and 2d times, the rules being suspended, and referred to a select committee of Messrs. Moore, Dunning and Chambers.

No. 184, a bill declaring Turman's creek a public highway, was read a 1st, 2d and 3d times, and passed.

No. 191, an act for the relief of John Matthews, was read a 1st and 2d times, the rules being suspended.

Mr. Kennedy moved to strike out the last section.

On motion of Mr. Morgan of R., referred to the Judiciary committee.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has passed the following engrossed bill thereof, to wit:

No. 21, an act regulating the compension of Jurors and Witnesses.

No. 119, an act to locate a State road in Wayne county, to Windsor in Randolph county, thence to the town of Huntington on the Wabash and Erie canal.

No. 125, an act to incorporate the Jeffersonville Savings Institution.

No. 159, an act to authorize the election of an additional Justice of the peace in Hendricks county.

No. 160, an act to locate a State road from the west line of Hancock county, to New Castle in Henry county.

No. 192—an act for the relief of Derbin Gaw;

No. 231—an act authorizing the election of an additional justice of the peace in Clinton township, in Vermillion county;

No. 239—an act for the relief of Edward Hopkins;

No. 252—an act for the relief of James Sutfin; and

No. 260—an act on the subject of leasing the water power at the Delphi dam;

Also, an engrossed bill of the Senate, entitled,

No. 104—an act to locate a State road from Salem, in Washington county, to Charlestown in Clark county; with an amendment. In which bills of the House and amendment to the bill of the Senate, the concurrence of the Senate is requested.

No. 21—an act regulating the compensation of jurors and witnesses; read first and second times, the rules being suspended;

On motion of Mr. Brady,

Referred to the committee of ways and means.

No. 119—an act to locate a State road in Wayne county, to Windsor in Randolph county, thence to the town of Huntington on the Wabash and Erie canal; read first and second times, the rules being suspended.

Mr. Kennedy moved to amend, by inserting after the words, Randolph county, "thence by Smithfield and Albany, in Delaware county,"

On motion of Mr. Clark,

The amendment was considered as engrossed, read a third time and passed.

No. 125—an act to incorporate the Jeffersonville Saving Institution; read first and second times, the rules being suspended.

On motion of Mr. Daily,

Referred to the committee on corporations.

No. 159—an act to authorize the election of an additional justice of the peace in Hendricks county; read first, second and third times, the rules being suspended, and passed.

No. 160—an act to locate a State road from the west line of Hancock county, to Newcastle in Henry county; read first and second times, the rules being suspended.

On motion of Mr. Stanford,

Referred to a select committee of Messrs. Stanford, Bell and Cole.

No. 192—an act for the relief of Derbin Gaw; read first and second times, the rules being suspended;

On motion of Mr. Puett,

Referred to a committee of Messrs. Puett, Thompson of P. and Baird.

No. 231—an act authorizing the election of an additional justice of the peace in Clinton township, Vermillion county; read first, second and third times, the rules being suspended, and passed.

No. 239—an act for the relief of Edward Hopkins; read first and second times, the rules being suspended, and referred to the judiciary committee.

No. 252—an act for the relief of James Sutfin; read first, second and third times, the rules being suspended, and passed.

No. 260—an act on the subject of leasing the water power at the Delphi dam; read first and second times, the rules being suspended, and referred to the committee on canals and internal improvements.

No. 104—[of the Senate,] an act to locate a State road from Salem in Washington county, to Charlestown in Clark county, with an amendment. The amendment was concurred in by the Senate.

Leave being granted, Mr. Clark introduced

No. 156—a bill for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county; read first, second and third times, the rules being suspended, and passed.

Leave being granted, Mr. Baird, from a select committee, reported that the select committee to which was referred the petition of Elijah Harlan, on the subject of a State road therein named, have had the same under consideration, and directed me to report the following bill:

No. 157—a bill to locate a certain State road therein named; read first, second and third times, the rules being suspended, and passed.

Leave being granted, Mr. Cathcart introduced a bill,

No. 158—a bill creating the office, and defining the duties of collec-

tor of Michigan City; read first and second times, and referred to the judiciary committee.

Leave being granted, Mr. Sigler, from a select committee to which was referred the petition of James Talbot praying to be divorced from his wife Frances Talbot, late Frances Manfield, have had the same under consideration, and directed me to report a bill, in compliance with the prayer of the petitioner.

No. 159—a bill to divorce James Talbot from Frances Talbot his wife, late Frances Menifield; read a first time, and ordered to a second reading.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

The speaker of the House of Representatives having signed enrolled bills of the House,

No. 26—an act for the relief of John B. McDowell;

No. 162—a memorial and joint resolution on the subject of the National Road;

No. 194—an act legalizing the proceedings of the board of commissioners of Vanderburgh county; and of the Senate,

No. 73—an act to amend an act, entitled, an act to establish and locate certain State roads therein named, and for other purposes, approved Feb. 3, 1837;

I am directed to bring them to the Senate for the signature of the president thereof.

The president having signed enrolled bills of the House of Representatives, Nos. 26, 162, 194, and of the Senate, No. 73, they were handed to the committee to be presented to the governor for his approval and signature.

On motion of Mr. Trask,

No. 172—an act incorporating the Wabash Hotel Company, mentioned in the unfinished message from the House, was taken up, read a first and second time, and,

On motion of Mr. Trask,

Referred to the committee on corporations.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives have passed engrossed bills thereof, entitled as follows:

No. 74—an act declaring a certain name a misprint;

No. 77—an act to prevent obstructions in Anderson's river, in Perry and Spencer counties;

No. 82—an act appropriating the Three per cent. Fund, belonging to the county of Warren;

No. 86—an act providing the number and mode of electing trustees of the Posey county seminary;

No. 89—an act organizing Jasper county;

No. 93—an act to legalize the election and official acts of judge of probate in Lake county;

No. 95—an act for the relief of John B. Walker;

No. 97—an act to change the name of Calvin C. Marsh;

No. 100—an act to legalize the acts of Thomas Bowman;

No. 102—an act establishing temporarily a court house in the county of Lake, and for other purposes;

No. 109—a joint resolution on the subject of a western armory;

No. 111—an act to provide for the election of a justice of the peace in the town of Hartsville, in Bartholomew county;

No. 120—an act to change the Morgansford and Brandywine town State road;

No. 123—an act providing for the sale of certain school lands in the county of Sullivan;

No. 124—an act relating to the acts of householders in the county of Lake;

No. 150—an act to amend an act entitled, an act to appropriate a part of the Three per cent. Fund in the county of Orange;

No. 153—an act for the relief of Campbell Dale;

No. 157—an act relating to the town of Vernon;

No. 172—an act to incorporate the Wabash Hotel Company; and

No. 206—an act amendatory of the act, entitled, an act for the formation of the Pleasant Run school district, in Carroll county; and

Also, engrossed bills of the Senate, entitled,

No. 49—an act to legalize the sale of the school section of congressional township No. 3, north of range 8 east, in Scott county; and

No. 56—an act to enable the school commissioner of Ripley county to do certain acts; the latter with an amendment.

In which bills of the House, and amendment of the House to the bill of the Senate, No. 56, the concurrence of the Senate is requested.

No. 74—an act declaring a certain name a misprint; read first, second and third times, the rules being suspended, and passed.

Leave being granted, Mr. Moore introduced a bill,

No. 160—to amend an act, entitled, an act for the relief of the poor, approved Feb. 10, 1835; read first and second times, the rules being suspended,

On motion of Mr. Clark,

Referred to the committee of revision.

Mr. Stanford, from the joint committee on enrolled bills, reports,
Mr. PRESIDENT—

The joint committee on enrolled bills, now report that they have compared the enrolled with the engrossed bill of the Senate, No. 35, entitled, an act to locate a State road from Cambridge City to Fort Wayne, and find the same truly enrolled.

On motion, Senate adjourned.

SATURDAY MORNING, JAN. 27th, 1838.

Senate assembled.

The President laid before the Senate a communication from the Secretary of State in answer to a resolution of the Senator from Rush;
On motion laid on the table.

The President laid before the Senate a report from the Trustees of the Hanover college;

On motion of Mr. Thompson of P., laid on the table and 200 copies ordered to be printed.

HON. DAVID HILLIS,
President of the Senate:

Please lay before the Senate the Annual report of the Board of Trustees of Hanover College.

Very respectfully,
WILLIAMSON DUNN.

HANOVER COLLEGE, Nov. 24, 1837.

In compliance with requisitions of the General Assembly of the State of Indiana, the Trustees of the Hanover College submit to the honorable Senate and House of Representatives this their fourth

ANNUAL REPORT:

The last catalogue of the College, published February, 1837, gives the following summary of the Students: Seniors 14, Juniors 26, Sophomores 12, Freshmen 23, Preparatory Department 72, Civil Engineers 12—Total 159. The whole under the tuition of five Professors and two Tutors. At the late commencement in September last, the degree of A. B. was conferred on fifteen young gentlemen, who composed the Senior Class, and the degree of A. M. on six of the Alumni of the institution, who had graduated three years before, and whose literary course entitled them to that honor.

The last session commenced under circumstances of usual promise, and was progressing pleasantly, but on the 5th of July last, the village of Hanover was visited by a tornado which done immense injury to the property of the corporation. The College edifice was partly demolished and all their other buildings more or less injured, and although temporary arrangements were made by which the College exercises were continued, yet many of the Students apprehending great inconvenience, in the deranged state of things, left the institution. Such

repairs have been made as enabled the Faculty, on the opening of the present session, to commence business in the College buildings, but as many of their Students have connected themselves with other institutions, the number this session is less than it has been for several of the preceding sessions, yet the confident hope is indulged that as the erroneous impression which has been extensively made on the public mind, that the College was disbanded, is corrected, the number will be gradually increased. On the subject of manual labor, the Board have but little to report, as no alterations have been made in the general arrangements on that subject since the last report. The cooperage is still carried on and the corporation pledge themselves to furnish employment to all students who may wish it.

All of which is respectfully submitted,

J. FINLEY CROW,

Sec'y. B. T. H. C.

Leave being granted, Mr. Thompson of P. presented a report from the Leavenworth and Bloomington rail road company;

On motion of Mr. Thompson of P., laid on the table, and 200 copies ordered to be printed.

To the Hon. the Senate and House of Representatives

of the State of Indiana at Indianapolis convened:

GENTLEMEN—

In conformity with the act of incorporation which makes it the duty of the Leavenworth and Bloomington Rail Road Company to make an annual statement of its situation and transactions, the Board of Directors respectfully submit the following report:

Since the report to the Legislature of 1836-7, the corporation has neither expended any amount of money, nor received any profit. The corporation regrets that the late legislature did not act upon the last report, and respectfully request that your honorable body will cause to be refunded the sum of fifteen hundred and ninety-eight dollars and nine cents, expended by it in the survey of said road, equal handed justice requiring that this corporation shall stand on an equal footing with other sections and other corporations in the state which have had their roads surveyed at the expense of the State.

Preparations were made by the Directors to commence work on this road, early last spring, but from the derangement of the moneyed concerns of the country, it was thought advisable to suspend operations for another year. The corporation was not absolutely bound to commence the work until some time during the next year, and it had strong hopes that the coming legislature would do it justice, would compromise all interference by the state, with the reserved rights of this corporation, or would stop the "Central canal" so far as that is to be

constructed on or near the line of this road; and also the Crawfordsville, Jeffersonville, and New Albany road so far as it is to be constructed on or near the line of this road, and not compel this corporation to apply to a court of justice, to enjoin the state to stop all internal improvements, which will or may in any way invade the rights and reduce the profits of this corporation.

It is true, the south of White river is in the minority of the legislature and has had (comparatively) neither aid nor share in the internal improvement expenditures, as Gov. Wallace has well (supposed to be sarcastically) remarked in his "inaugural address" this "patriotic portion of the State, without any internal improvement expenditures, (embracing several counties named) has steadily advanced, while the north which has had the internal improvement expenditures, has advanced with amazing rapidity;" and he might have added that the amazingly rapid advancement of the north was in part at the expense of the patriotic south, the 29 counties. The north has *used the credit of* the "patriotic south," the 29 counties, to borrow large sums of money to be expended in the north, for the special use and benefit of the 52 counties through which the internal improvements are to pass; not forgetting at the same time to tax the 29 counties which the Governor specially names as receiving no special benefit from internal improvements. The north, the 52 counties have trust their hands into the pockets of the "patriotic" citizens of the south, the 29 counties, taking their money by legislative enactments, to aid in paying the interest of the large sums of money borrowed and expended for the special benefit of the north, the 52 counties, have made the patriotic south, the 29 counties, (in addition to taxation) liable to be called upon to re-imburse according to their ability; a part of all sums so borrowed and expended! This corporation does believe there is such a principle as moral justice and moral right, by which (principle) the money, the hard earnings, the sweat and toil of one person or section of the country cannot be taken and expended for the special use and benefit of another, or for its amazingly rapid advancement. If taken by a legislative act, does it make it morally just or right? When so taken, is it not taken by arbitrary power? If might makes right, one power has as much right to take as another, one man as many men. Upon this principle, if I meet a man upon the highway, stronger than myself, he stops me, puts his hand into my pocket and takes out my money, the proceeds of my toil and hard labor, and applies it to his own special uses. Is this just, is it right? Can—will any man or set of men, or legislators justify or support such a perversion of principle? Many, or a majority of former legislators of this state by legislative enactments, have thrust their hands into the pockets of the individuals of this corporation, of the "patriotic" south, of the 29 counties, taken out their money, laid it out for the special use and benefit of the 52 counties, thereby advancing the interest of the north, the 52 counties, with amazing rapidity, at the same time refusing any aid to this corporation, the patriotic south, the 29 counties, leaving them no means for amazing advancement, nothing but the sweat and toil and only a part of that. This corporation cannot believe that

the legislature will act so unrighteously and selfishly, or upon such narrow contracted principles or policy; on the contrary it is expected to act upon the great universal principle of moral right, meting equal justice to all, and that it will put its hands into the pockets of the north the 52 countles which have *used the credit* of the 29 counties to borrow large sums of money for the special use and benefit of themselves.

The north, the 52 counties taxed the 29 counties, collected the tax to aid in paying the interest of all sums so borrowed and expended. That this legislature will, by judicious enactments, compel the north, those 52 counties, to pay back to the individuals of this corporation, the "patriotic" south, the 29 counties, all sums of money so collected, and give them a proper proportion of all sums so borrowed, by judicious enactments of appropriations for the special use and benefit of this corporation, the patriotic south, the 29 counties. Let this corporation, the patriotic south, the 29 counties receive their share of all moneys so borrowed and raised by "taxation;" let it be judiciously appropriated and expended, and we have no doubt that this section of the state would advance with amazing rapidity, and would cheerfully pay the increased taxation, which is nothing in comparison with the immense increase of value in property. Who would not pay an additional 10 or 20 cents on the \$100, for the sake of having his property increased 10, 20 or 100 fold? But who would pay to increase his neighbors and depress his own?

We expect and believe in justice and equity, that this legislature will no longer suffer the individuals of this corporation, the patriotic south, the 29 counties, to be called to advance their money, a part of the sweat of their brow, their hard earning, for the special use and benefit of the north, the 52 counties, to the great prejudice and injury of the south.

We specially request that this legislature will cause the expense of the survey of this road, to be paid by the state, that it will grant this corporation such other and further aid as the nature of its claims and justice require. And this corporation very specially and respectfully request your honorable body to repeal all laws and parts of laws, and stop all kinds of internal improvements in the state, which may in any way interfere with the vested rights of this corporation, or have a tendency to reduce the profits thereof, and save this corporation the trouble and expense of *applying to a court of justice* to effect the same objects.

All of which is very respectfully submitted.

By order of the Board,

SETH M. LEAVENWORTH, Pres't.

J. N. PHELPS, Sec'y.

STATE OF INDIANA, }
Crawford county. } Sect.

Personally appeared before me, one of the justices of the peace in and for the county of Crawford aforesaid, Seth M. Leavenworth, President of the Bloomington and Leavenworth Rail Road Company, and being duly

sworn, deposeth and saith, that the foregoing report is just and true as respects the expenditures and amount of profits accruing, to the best of his knowledge, and further saith not:

Given under my hand and seal, this 2d day of January, 1838.

WM. COURSE, J. P.

Mr. Ewing from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature, bills of the following titles, to-wit:

No. 27—An act to authorize the board of commissioners of Kosciusko county, to recover the amount of certain 3 per cent. fund heretofore appropriated to that county;

No. 64—An act for the relief of the collector of the state revenue of Perry county;

No. 28—An act on the subject of the appropriation of three per cent. fund heretofore appropriated to Orange county;

No. 22—An act to legalize the acts of Moses Gray as recorder of Scott county, under the appointment of the associate judges of the said county;

No. 11—An act for the relief of Jonathan Parks;

No. 29—An act authorizing the sale of a certain school house and lot in the county of Washington;

The message from the House pending last adjournment was taken up.

No. 77—An act to prevent obstructions in Anderson's river, in Perry and Spencer counties;

Read 1st, 2d and 3d times; on motion of Mr. Thompson of P., the rules being suspended and passed.

No. 32—An act appropriating the 3 per cent. fund belonging to the county of Warren;

Read a 1st and 2d times, the rules being suspended.

On motion of Mr. Turman, referred to a select committee of Messrs. Turman, Finch and Clark.

No. 86—An act providing the number and mode of electing Trustees of the Posey county Seminary;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 39—An act organizing Jasper county;

Read 1st and 2d times, the rules being suspended.

On motion of Mr. Cathcart, referred to Messrs. Cathcart, Turman and Finch.

No. 93—An act to legalize the election and official acts of judge of probate in Lake county;

Read 1st and 2d times, the rules being suspended and referred to Messrs. Cathcart, Clark and Finch.

No. 95—An act for the relief of John B. Walker;

Read 1st and 2d and 3d times, the rules being suspended and passed.

No. 97—An act to change the name of Calvin C. Marsh;

Read 1st, 2d and 3d times, the rules being suspended, and passed.

No. 100—An act to legalize the acts of Thomas Bowman;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 102—An act establishing temporarily a court house in the county of Lake and for other purposes;

Read 1st and 2d times, the rules being suspended, and referred to Messrs. Cathcart, Crawford and Watts of D.

No. 109—A joint resolution on the subject of a western armory;

Read 1st, 2d and 3d times the rules being suspended and passed.

No. 111—An act to provide for the election of a justice of the peace in the town of Hartsville in Bartholomew county;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 120—An act to change the Morgansford and Brandywine town state road;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 123—An act providing for the sale of certain school lands in the county of Sullivan;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 124—An act relating to the acts of householders in the county of Lake;

Read 1st and 2d times, the rules being suspended, and referred to the judiciary committee.

No. 150—An act to amend an act entitled an act to appropriate a part of the 3 per cent. fund in the county of Orange;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 153—An act for the relief of Campbell Dale;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 157—An act relating to the town of Vernon;

Read 1st, 2d and 3d times, the rules being suspended and passed.

No. 206—An act amendatory of an act entitled an act for the formation of the Pleasant Run school district in Carroll county;

Read 1st and 2d times, the rules being suspended;

On motion of Mr. Finch, read a 3d time, the rules being further suspended and passed.

No. 56 of the Senate, an act to enable the school commissioner of Ripley county to do certain acts, with an amendment;

Mr. Smith moved to disagree with the amendment of the House;

Which was agreed to.

Mr. Finch moved to re-consider the vote on the passage of No. 109, a joint resolution on the subject of a western armory;

Which was consented to.

On motion of Mr. Finch, the vote ordering the same to a 3d reading was re-considered; and, on motion of Mr. Finch, referred to Messrs. Finch, Watts of D., Thompson of L. and Ewing.

Leave being granted, Mr. Thompson of L. presented the following resolution:

Resolved, That the Principal Engineer on canals and roads, be requested to report to the Senate, at as early a period as practicable, what progress has been made in the construction of the towing path bridge of the Wabash and Erie canal contemplated across the Wabash river, at the pool dam near Delphi, what is the contemplated character of that bridge, and whether, in his opinion, the character of said river requires the construction of a bridge or lock, with a view to steamboat navigation, for the ordinary transportation of trade on said river—and whether if such river is navigable for steamboats, Logansport in Cass county, is at the head of such navigation—whether, if Logansport is not the highest navigable point upon the river, there is any obstruction below the highest navigable point—what is the additional cost of constructing the said lock, dam and bridge, so as to admit the passage of steamboats, over and above the cost of providing for the passage of flat boats and rafts—and whether such dam and bridge can be constructed with a view to steamboat navigation without subjecting the navigation of the canal to inconvenience and hazard.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The resolution of the Senator from Lawrence, pending on adjournment was taken up.

On motion of Mr. Daily, laid on the table.

Mr. Smith moved that the previous orders of the day be suspended, and asked leave to introduce a bill.

Mr. Sigler moved that the Senate adjourn;

Which was decided in the negative.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. J., Clark, Cole, Colerick, Kennedy, Sigler, Thompson of J., Thompson of L., and Trask—9.

Those who voted in the negative were,

Messrs. Beard of M., Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Crawford, Daily, Dobson, Dunn, Dunning, Ewing, Finch, Green, Hoagland, Little, Mitchell, Moore, Morgan of D., Morgan of R., Mount, Smith, Stanford, Stewart, Turman, Thompson of P., Tuley, Walker, Watts of D., Watt of U. and Vawter—33.

On motion of Mr. Dobson, Mr. Elliott and Mr. Stafford obtained leave of absence.

Mr. Thompson of L. moved to adjourn;

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird of St. Jos., Beard of M., Brady, Clark, Cole, Crawford, Dunn, Kennedy, Sigler, Thompson of J., Thompson of L., and Vawter—12.

Those who voted in the negative were,

Messrs. Bell, Bowen, Bradbury, Cathcart, Chambers, Daily, Dobson, Dunning, Ewing, Finch, Green, Hoagland, Little, Mitchell, Moore, Morgan of D., Morgan of R., Mount, Smith, Stanford, Stewart, Turman, Thompson of P., Trask, Tuley, Walker, Watts of D., and Watt of U.—28.

On the question, shall the previous orders be suspended? the Senate decided in the affirmative.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Cole, Colerick, Daily, Dobson, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Mitchell, Moore, Morgan of D., Morgan of R., Puett, Sigler, Smith, Stanford, Stewart, Turman, Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D. and Watt of U.—30.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Crawford, Dunn, Little, Mount, Thompson of J., and Vawter—14.

Mr. Smith introduced a bill No. 160, a bill to change the character of the Madison road;

Read a 1st time and ordered to a 2d reading to-morrow.

The following message was received from the House of Representatives by Mr. Glenn their member:

MR. PRESIDENT—

The House of Representatives has concurred in the 1st amendment of the Senate to the engrossed bill of the House,

No. 243—An act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, with an amendment; they have also concurred in the 3d amendment of the Senate to said bill, and refused to concur in the 2d amendment;

In which amendment of the House to the amendment of the Senate to said bill, the concurrence of the Senate is requested.

The amendment of the House to the amendment of the Senate was to strike out \$1 25 and insert \$2 00.

In which the Senate refused to concur;

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Beard, Bell, Chambers, Clark, Dunn, Little, Morgan of R., Mount, Watts of D. and Watt of U.—10.

Those who voted in the negative were,

Messrs. Baird, Bowen, Bradbury, Brady, Cathcart, Cole, Colerick, Crawford, Daily, Dobson, Dunning, Finch, Green, Hackett, Hoagland, Kennedy, Mitchell, Moffitt, Morgan of D., Puett, Sigler, Smith, Stanford, Stewart, Thompson of J., Thompson of P., Trask, Tuley, Walker and Vawter—30.

On motion, the Senate insists upon the 2d amendment as mentioned in the message.

Leave being granted, Mr. Daily introduced a bill No. 162, to establish a state road from Charlestown in Clark county to Bethlehem;

Read 1st, 2d and 3d times, the rules being suspended and passed.

Leave granted, Mr. Cole introduced No. 163, a bill to locate a state road from Clarkstown in the county of Boon to Ephraim Stouts in the county of Hamilton;

Read a 1st, 2d and 3d times, the rules being suspended and passed.

Mr. Thompson of J. introduced No. 164, a bill to incorporate the town of Franklin in Johnson county;

Read a 1st and 2d times, the rules being suspended and referred to the committee on corporations.

Mr. Thompson of L. offered the following resolution:

Resolved, That the Senate will (the House of Representatives concurring therein), adjourn *sine die* on Monday the 19th day of February next.

Mr. Little moved to lay the resolution on the table,

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Bradbury, Brady, Cole, Colerick, Daily, Dunn, Hackett, Kennedy, Little, Morgan of R., Mount, Smith, Stanford, Trask, Walker and Watts of D.—16.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Bell, Bowen, Casey, Cathcart, Chambers, Clark, Crawford, Dobson, Dunning, Ewing, Finch, Green, Hoagland, Mitchell, Moffitt, Moore, Morgan of D., Puett, Sigler, Stewart, Thompson of J., Thompson of L., Thompson of P., Tuley, and Watt of U.—27.

So the resolution was not laid on the table.

On the question, shall the resolution be adopted? the Senate decided in the affirmative.

Mr. Puett from a select committee to which was referred bill No. 67, reported that they have had the same under consideration and have instructed me to return the same back to the Senate without amendment; which was concurred in.

On motion of Mr. Puett, the bill was read a 3d time, the rules being suspended and passed.

Mr. Moore from a select committee reported:

That the select committee to whom was referred a bill of the House No. 154, authorizing Lewis Jones and others to sell lot No. 67 in the town of Washington, Daviess county, and for other purposes, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion, the rules being suspended, the bill was read a 3d time and passed.

Mr. Moore from a select committee reported,

That the committee to which was referred a bill of the House of Representatives No. 181, to provide for a justice of the peace in Maysville, Daviess county, have had the same under consideration and directed me to report the same back without amendment and ask to be discharged from the further consideration of the same.

The committee were discharged.

On motion of Mr. Moore, the rules were suspended, the bill read a 3d time and passed.

Mr. Finch from a select committee to whom was referred a bill No. 47, to incorporate the Logansport Insurance company, have had the same under consideration and direct me to report the same back to the Senate without amendment.

Ordered, to a 3d reading on to-morrow.

Mr. Cole introduced No. 165, a bill to incorporate the Northfield steam mill and manufacturing company;

Read a 1st and 2d times, the rules being suspended, and,

On motion of Mr. Kennedy, referred to the committee on corporations.

Mr. Ewing from the committee on roads reported:

That the committee on roads to whom was referred the petition of sundry citizens of Cass county, praying the establishing of a state road from Logansport via Cassville and Louisburgh on a direction towards Peru in Miami county, have had the subject under consideration and directed me to report the following bill:

No. 166, a bill to locate a state road therein named;

Read 1st time and ordered to a 2d reading on to-morrow.

Mr. Ewing from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor, for his approval and signature, bills of the following titles, to-wit:

No. 73—An act to amend an act entitled an act to establish and relocate certain state roads therein named, and for other purposes, approved February 3, 1837;

No. 194—An act legalizing the proceedings of the board of commissioners of Vanderburgh county;

No. 26—An act for the relief of John B. McDowell; also

No. 162—A memorial and joint resolution on the subject of the National Road.

On motion, the Senate adjourned.

MONDAY MORNING, JAN. 29, 1838.

Senate assembled.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills thereof, entitled as follows:

No. 72—An act to incorporate the town of Paoli in Orange county;

No. 81—An act to incorporate the town of Martinsville in Morgan county;

No. 92—An act to incorporate the Paoli Savings Institution;

No. 103—An act for the relief of Isaac Kimberlin;

No. 158—An act to incorporate the Harrison and Napoleon Turnpike Company;

No. 178—An act to incorporate the town of New Boston in Wayne county;

No. 198—An act for the relief of the minor heirs of Michael C. Snyder;

No. 199—An act to legalize the election of trustees of the Presbyterian church of Sand creek, Decatur county;

No. 200—An act to incorporate the City of Logansport;

No. 201—An act to relocate a part of a road in Monroe county;

No. 202—An act to vacate the town of Newberry in Greene county;

No. 207—An act to locate a state road therein named;

No. 208—An act to amend an act entitled an act to incorporate the President and Trustees of the Rush County Seminary;

No. 211—An act to incorporate the Crawfordsville and Williamsport Turnpike Company;

No. 212—An act appointing and authorizing Dan. Mace as a commissioner to make deeds on behalf of George Hollingsworth's heirs to the purchasers of certain lots in the town of Attica.

No. 214—An act to amend the 17th section of the 8th chapter of an act relating to public schools; approved Feb. 6th, 1837.

No. 216—An act to revive and confirm certain state roads therein named in the county of White, Pulaski, Marshall, and Carroll and for other purposes;

No. 218—An act to provide for opening and repairing public roads and highways in the county of Gibson;

No. 222—An act to provide for draining the low lands around Centre Lake in Steuben county;

No. 248—An act to change the name of a certain town therein named;

No. 230—An act for the relief of John Bennet;

No. 232—An act to amend an act entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher; approved Feb. 3, 1837;

No. 240—An act authorizing an additional justice of the peace to Scott and Coal creek townships in Montgomery county, Indiana;

No. 249—An act to amend an act entitled an act to amend the charter and define the powers and duties of the President and Trustees of the town of Evansville; approved Feb. 8, 1836;

No. 250—An act for the relief of Henry Boyce, and

No. 267—An act to incorporate the Indiana Manufacturing Co.

In which the concurrence of the Senate is requested.

The House of Representatives have also passed engrossed bills of the Senate, entitled,

No. 36—An act to incorporate the Greenville Seminary in Floyd co.

No. 116—An act to appropriate a part of the three per cent. fund in the county of Morgan.

Each without an amendment.

No. 72—A bill to incorporate the town of Paoli, Orange county; read a 1st time,

On motion of Mr. Thompson of P., the bill was read a 2d time, the rules being suspended.

On motion of Mr. Dunning, referred to the committee on corporations;

No. 81—An act to incorporate the town of Martinsville in Morgan county;

On motion of Mr. Dunning the bill was read a 1st time, by its title, the rules being suspended.

On motion of Mr. Thompson of J. the rules were further suspended, the bill read a 2d time and on motion of the same gentleman, referred to the committee on corporations;

No. 92—An act to incorporate the Paoli Savings Institution; read a 1st time, on motion of Mr. Chambers, read a 2d time, the rules being suspended.

On motion of Mr. Dunning, referred to the committee on corporations.

158—An act to incorporate the Harrison and Napoleon Turnpike Company, read a 1st time;

On motion of Mr. Watts of D., read a 2d time, the rules being suspended. On motion of Mr. Watts of D. referred to the committee on canals and internal improvements;

No. 178—An act to incorporate the town of New Boston in Wayne county; read 1st time. On motion of Mr. Bradbury, read a 2d time, the rules being suspended. On motion of Mr. Dunning, referred to the committee on corporations;

198—An act for the relief of the minor heirs of Michael C. Snyder, read 1st time; on motion of Mr. Hoagland, read a 2d and 3d times, the rules being suspended, and passed;

No. 199—An act to legalize the election of Trustees of the Presbyterian Church of Sand creek, Decatur county; read a 1st time;

Ordered to a second reading on to-morrow;

No. 200—An act to incorporate the City of Logansport;

On motion of Mr. Ewing, the rules were suspended, and the bill read a 1st time by the title. On motion of Mr. Ewing, the rules were further suspended, and the bill read a 2d time, and referred to the committee on corporations;

No. 201—An act to relocate a part of a road in Monroe county;

On motion of Mr. Dunning, the rules were suspended, and the bill read by its title. On motion of Mr. Dunning the rules were further suspended, the bill read a 2d and 3d times and passed;

No. 202—An act to vacate the town of Newberry in Green county, read a 1st time;

On motion of Mr. Dobson, the bill was read a 2d and 3d times, the rules being suspended and passed;

No. 207—An act to locate a state road therein named; read a 1st time. On motion of Mr. Moffitt, read a 2d and 3d times, the rules being suspended, and passed;

No. 203—An act to amend an act entitled an act to incorporate the President and Trustees of the Rush county Seminary; read a 1st time;

On motion of Mr. Morgan of R. the rules were suspended, and the bill read a 2d and 3d times and passed;

No. 211—An act to incorporate the Crawfordsville and Williamsport Turnpike Company;

On motion of Mr. Beard, the rules were suspended, and the bill read by its title. On motion of Mr. Beard, the rules were further suspended, the bill read a 2d time and referred to the committee on canals and internal improvements;

No. 212—An act appointing and authorizing Dan. Mace as a commissioner, to make deeds on behalf of George Hollingsworth's heirs to the purchasers of certain lots in the town of Attica;

On motion of Mr. Bowen, the rules were suspended and the bill read a 1st time by the title; on motion of Mr. Bowen the rules were further suspended, the bill read a 2d time and referred to the judiciary committee;

No. 214—An act to amend the 17th section of the 8th chapter of an act relating to public schools; approved Feb. 6th, 1837; read 1st time,

On motion of Mr. Moffitt, the rules were suspended and the bill read a 2d time. On motion of Mr. Stanford referred to the committee on education;

No. 216—An act to revive and confirm certain state roads therein named in the counties of White, Pulaski, Marshall, and Carroll, and for other purposes; read a 1st time;

On motion of Mr. Finch the rules were suspended, the bill read a 2d time and referred to a select committee of Messrs. Finch, Ewing, Baird, and Cathcart;

No. 218—An act to provide for opening and repairing public roads and highways in the county of Gibson; read a 1st time;

On motion of Mr. Stewart the rules were suspended, the bill read a 2d time and referred to the committee on roads;

No. 222—An act to provide for draining the low lands around Centre Lake, in Steuben county; read a 1st time;

On motion of Mr. Crawford, the rules were suspended, the bill read a 2d and 3d times and passed;

No. 248—An act to change the name of a certain town therein named; read a 1st time;

On motion of Mr. Dobson the bill was read a 2d and 3d times, the rules being suspended, and passed;

No. 230—An act for the relief of John Bennett; read a 1st time;

On motion of Mr. Ewing the bill was read a 2d time, the rules being suspended. On motion of Mr. Ewing, the bill was amended by striking out the sum mentioned in the bill as due by Mr. Bennet to the state, and add thereto \$10 88.

On motion of Mr. Kennedy referred to the committee on the canal funds;

No. 232.—An act to amend an act entitled "an act authorizing Richard M. Kirk, to raise his mill dam three feet higher," approved February 3d, 1837, which was read a first time.

On motion of Mr. Dunn, the rules were suspended and the bill read a second time.

On motion of Mr. Stewart, the rules were further suspended, the bill read a third time and passed.

No. 240—An act authorizing an additional justice of the peace to Scott and Coal Creek townships in Montgomery county, Indiana;

Which was read a first time.

On motion of Mr. Beard the rules were suspended, and the bill read a second time.

Mr. Morgan of R. moved to amend by striking out the word Indiana;

Which was agreed to, and ordered to a third reading on to-morrow.

No. 249—An act to amend an act entitled "an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville," approved Feb. 8th, 1836;

Which was read a first time.

On motion of Mr. Casey the rules were suspended, and the bill read a third time.

On motion of Mr. Casey referred to a select committee of Messrs. Casey, Stewart, and Thompson of P.

No. 250—An act for the relief of Henry Boyce, was read a 1st time.

On motion of Mr. Little, the rules were suspended and the bill read a second time.

Mr. Dunn moved to indefinitely postpone the bill.

Mr. Morgan of R., moved to lay it on the table:

Which was agreed to.

On motion of Mr. Morgan of R., the vote to lay the bill on the table, was reconsidered.

Mr. Morgan of R., then withdrew his motion to lay the bill on the table.

On the question "Shall the bill be indefinitely postponed?" the Senate decided in the negative.

On motion of Mr. Clark, the bill was laid on the table.

No. 267—An act to incorporate the Indiana Manufacturing company, was read a first time.

On motion of Mr. Dunning, the rules were suspended, the bill read a second time and referred to the committee on corporations.

The following message was received from the House of Representatives by Mr. Elliott their clerk.

Mr. PRESIDENT—

The House of Representatives insist on their amendment to the 1st amendment of the Senate to the engrossed bill of the House No. 243, an act to provide for the payment of Clerks employed by the revising and investigating committees, during the present session of the General Assembly and for other purposes. The House also insists on its disagreement to the second amendment of the Senate to the said bill.

Messrs. Crume and Proffitt are appointed a committee of free conference on the part of the House, to act with a similar committee to be appointed on the part of the Senate, to take into consideration the disagreement of the two Houses.

Mr. Sigler moved that the Senate insist upon its amendment, and disagreement of the amendment of the House to the 1st amendment of the Senate.

Ordered, That Messrs. Vawter and Mitchell be a committee of free conference to act with a similar committee appointed by the House, to take into consideration the disagreement of the two Houses.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of M. Thompson of L., the committee of the whole to which were referred the following bills, was discharged from the further consideration thereof.

No. 96—A bill for the appointment of county surveyors and their deputies.

On motion of Mr. Thompson of L., the bill was considered as en-

grossed, read a third time, the rules being suspended, and passed.

No. 109—An act authorizing and regulating arbitrations.

On motion of Mr. Thompson of L., the bill was considered as engrossed, read a third time, the rules being suspended, and passed.

No. 85—An act authorizing the vacation of towns.

On motion of Mr. Thompson of L., the bill was considered as engrossed, read a third time, the rules being suspended, and passed.

No. 97—An act authorizing the arresting and securing Fugitives from justice.

On motion of Mr. Thompson of L., the bill was considered as engrossed, read a third time, the rules being suspended, and passed.

No. 127—An act relative to fugitives from labor.

On motion of Mr. Thompson of L., the bill was considered as engrossed, read a third time, the rules being suspended, and passed.

On motion of Mr. Dunning, the Senate resolved itself into a committee of the whole on Bill

No. 144—A bill to establish a university in Indiana, Mr. Brady in the chair.

After some time spent therein, the committee rose, and Mr. Brady reported,

That the committee of the whole to which was referred bill No. 144, a bill to establish a university, have had the same under consideration and directed me to report the same back to the Senate with sundry amendments thereto, and ask the concurrence of the Senate.

The amendments were concurred in.

On motion of Mr. Stewart, the bill was further amended by adding the name of Hiram A. Hunter to the Board of Trustees.

On motion of Mr. Clark, the bill was considered as engrossed, read a third time and passed.

Leave being granted, Mr. Puett from a select committee to which was referred bill No. 192, of the House, entitled an act for the relief of Derbin Gaw, have had the same under consideration and directed me to report it back to the Senate without amendment.

Mr. Thompson of P., moved to lay the bill on the table, which was not agreed to.

On motion of Mr. Clark, the bill was read a third time and passed.

Mr. Trask introduced a bill

No. 167—A bill in addition to an act entitled an act to provide for a general system of internal improvements;

Which was read a first time.

On motion of Mr. Cole, the rules were suspended and the bill read a second time.

Mr. Cole moved to amend by inserting "by the way of Noblesville in the county of Hamilton, and Andersontown in the county of Madison."

Mr. Ewing moved to amend the amendment by adding "thence to the town of Peru."

The following message was received from the Governor, by his private secretary, Mr. Maguire:

Mr. PRESIDENT—

The Governor has approved and signed acts and a memorial and joint resolution entitled as follows, viz:

No. 26—An act for the relief of John B. McDowell;

No. 73—An act to amend an act entitled, an act to establish and re-locate certain state roads therein named, approved Feb. 3, 1837;—

No. 194—An act legalizing the proceedings of the Board of Commissioners of Vanderburgh county;

No. 162—A memorial and joint resolution on the subject of the National Road.

Mr. Stanford from the joint committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills now report that they have compared the following enrolled with the engrossed bills, and joint resolution to wit: of the Senate,

No. 104—An act to locate a state road from Salem in Washington county to Charlestown in Clark.

No. 74—A joint resolution relative to the public lands in the State of Indiana;

No. 204, of the House of Representatives entitled an act to amend an act entitled an act to provide for draining Lost creek in Vigo county, approved January 21st, 1837;

No. 74, of the House of Representatives entitled an act declaring a certain name a missprint, and find them truly enrolled.

On motion, the Senate adjourned.

TUESDAY MORNING, JAN. 30, 1838.

Senate assembled.

Mr. Baird, from the committee of revision, reported,

No. 168—a bill regulating the jurisdiction and duties of justices of the peace; read a first time.

On motion of Mr. Baird,

The rules were suspended, and the bill read a second time, and referred to a committee of the whole, and made the order of the day for to-morrow.

Mr. Finch presented a petition from James H. Stewart, on the subject of imprisonment for debt. On motion, referred to the judiciary committee.

Mr. Finch presented a petition from Joseph Grautham and others, praying an increase of the banking capital of the State Bank of Indiana. On motion of Mr. Finch, referred to the committee on State Bank.

Mr. Tuley presented a petition from J. R. Porter and others, on the subject of that part of the Jeffersonville and Crawfordville road, which lies between Salem and New Albany.

Mr. Tuley moved that the petition be referred to the same committee as was referred the documents relative to the New Albany road.

Mr. Daily moved to change the reference to the committee on canals and internal improvement; which was agreed to.

Mr. Ewing presented a petition from H. B. McKeen and others, praying a repeal of the act to authorize the mutual transfer of certain school funds between the townships of Eel and Noble, in the county of Cass, approved Feb. 6, 1837;

On motion of Mr. Ewing,

Referred to the committee on education.

Mr. Trask presented two petitions from Michael Knoop, Peter O. Gau and others, citizens of Wabash and Kosciusko counties, praying the formation of a new county;

On motion of Mr. Trask,

Referred to a select committee of Messrs. Trask, Colerick, Finch, Baird and Ewing.

Mr. Turman presented a petition from Abel Woolverton and others, praying a State road as therein named;

On motion of Mr. Turman,

Referred to Messrs. Turman, Moffitt and Bowen.

Mr. Thompson of P. presented a petition from Wm. Sandiss and others, praying an appropriation of a portion of the Three per cent. Fund, on the New Albany and Jasper State road;

On motion of Mr. Thompson of P.,

Referred to Messrs. Thompson of P., Casey and Green.

Mr. Trask presented three petitions on the same subject, from Osmond Morrison, Jesse Whetmore, Jacob Brough and others, praying the formation of a new county, from the county of Jay;

On motion of Mr. Trask,

Referred to a select committee of Messrs. Trask, Colerick and Stanford.

Mr. Thompson of L. presented a remonstrance from James Montgomery, remonstrating against the vacation of a State road in Lawrence county;

On motion of Mr. Thompson of L.,

Referred to a select committee of Messrs. Thompson of L., Daily and Crawford.

Mr. Mitchell, from the committee of revision, reported the following bills:

No. 169—a bill relative to crime and punishment; read a first time.

On motion of Mr. Mitchell,

The rules were suspended, and the bill read a second time and referred to a committee of the whole, and made the order of the day for to-morrow.

Mr. Finch, from the committee on revision, reported the following bill:

No. 170—a bill concerning the State library; read a third time;

On motion of Mr. Sigler,

The rules were suspended, and the bill read a second time.

On motion of Mr. Clark,

Referred to a committee of the whole, and made the order of the day for to-morrow.

No. 171—a bill to regulate taverns and groceries; read a first time.

On motion of Mr. Finch,

The rules were suspended, the bill read a second time and referred to a committee of the whole for to-morrow.

No. 172—a bill establishing fire companies; read a first time.

On motion of Mr. Finch,

The rules were suspended, the bill read a second time.

On motion of Mr. Dunning,

The rules were further suspended, the bill read a third time, and passed.

No. 173—an act concerning the auditor of public accounts and the treasurer of State; read a first time.

On motion of Mr. Thompson of P.,

The rules were suspended, the bill read a second time, and referred to the committee of the whole for to-morrow.

No. 174—a bill relating to county seminaries; read a first time.

On motion of Mr. Finch,

The rules were suspended, the bill read a second time, and referred to the committee of the whole, and made the order of the day for to-morrow.

No. 175—a bill authorizing the loaning of the college fund; read a first time.

On motion of Mr. Finch,

The rules were suspended, the bill read a second time, and referred to the committee of the whole for to-morrow.

The president laid before the Senate, a report from the State Board of internal improvement.

On motion of Mr. Brady,

Referred to the committee on canals and internal improvements and 200 copies ordered to be printed.

OFFICE STATE BOARD INT. IMPROVEMENT, }
January 28, 1838. }

To the honorable the Senate of Indiana:

The Board of Internal Improvement have had the honor to receive a copy of the resolution adopted by the Senate on the 13th inst. requesting them "to report to the Senate the probable amount of water power created by the construction of the canals of this state, so far as the same are finished or under contract; and also the probable revenue which may be derived therefrom, together with their views as to the best means of bringing these water privileges into use, and the means necessary to secure the interests of the state in respect to the

water power generally;" and in answer thereto respectfully submit the following estimate with their views in relation to this subject.

The probable amount of water power created by the construction of the canals, so far as the same are now finished or under contract, and the annual rent which may be received for such power, when the value shall be brought into use, may be estimated as follows:

	<i>No. of pr's of 4¼ feet millstones.</i>	<i>Annual rent.</i>	<i>Total value.</i>
Whitewater canal from Brookville to Lawrenceburgh,	190	\$140	\$26,600
Central canal, Indianapolis Division,	90	160	14,400
" " South. Div. 9 mo. in each yr.	25	125	3,125
Cross-Cut canal (not all the year,)	75	125	9,375
W. & E. canal from state line to Lafayette,	170	150	25,500
" " " (not all the yr.)	80	1 29	10,000
Total,			\$89,000

From this estimate it will be seen, that the water power created by the construction of the canals constitutes an important interest, which if properly husbanded will be a source of considerable income, and of great benefit to the community. The direct revenue derivable from this source is not all. By the employment of this power in manufacturing, the freights of the canal will be greatly increased, and thus the profits of the work, indirectly augmented from this source. It is not supposed that the whole amount of this power can be brought into use at once. It should be offered for sale or lease very gradually, and with strict reference to the wants of the country and its capabilities for sustaining manufacturing establishments. A contrary course would destroy competition and cause a sacrifice of the public interest. It may be reasonable to suppose that within 10 years one third or one half of this whole power may, if the country is prosperous, be employed in manufacturing with profit to the lessees and benefit to the country, producing also a handsome revenue to the state.

In cases of this kind, where the water power belongs to the state, there is always a strong tendency to underrate its value, and to induce the state to part with it without a just compensation, against which the Board feel it to be their imperative duty to guard. Individuals, owning the ground where a lock or dam may happen to be located, sometimes refuse to co-operate with the state in bringing the power into use, except upon terms which would secure to themselves a monopoly of water, without paying the state any just equivalent. Applications are frequently made from individuals so situated for a lease of the power on their own ground upon such terms as they may prescribe. A claim of this kind if allowed in one instance by the legislature, becomes a precedent for another, and thus the evil would be likely to increase,

until this branch of our resources would be rendered comparative, valueless. And as the only means of guarding against this tendency, the Board would beg leave respectfully to suggest to the legislature a strict adherence to the policy embraced in existing laws on this subject of interdicting the leasing or the use of any water power by any arrangement whatever until the ground on which such water is to be used shall become the property of the state, either by purchase or otherwise. If this policy be rigidly adhered to, until it be received as the established policy of the state, the prospects of individuals of obtaining a monopoly of the water power will be cut off, and as a consequence of the difficulty of making purchases of ground at fair prices for the use of the water, will be measurably done away.

The expectation of becoming themselves possessed of the water power at a future period, at a very low rent, has doubtless, in some instances, influenced the owners of the ground, on which alone the water could be used, to decline selling such ground to the State, even though a price equal to twice the value thereof has been offered them.

At the same time that the strictest regard should be paid to the security of private rights, and while full compensation should be made by the State, for all property required for public use, it is nevertheless believed to be incumbent on those charged with the prosecution and management of the public works, to guard with the utmost vigilance, the general interest to protect the State as far as may be in their power from unjust exactions for individual benefit, and to have a constant regard to the future productiveness of the improvements. As the construction of the canals will create a considerable debt, for which the whole people of the State are responsible, it is manifestly proper that every source of income growing out of these works, should be carefully husbanded, and provided for with a view to the benefit of the State, rather than to individual accommodation.

When the title to the ground necessary to the use of the water, becomes vested in the State, the power can be brought into market as the public interest may require; a healthful competition can thus be secured by giving a general notice of the sale, and the privilege based at a fair price, and to persons who, from their acquaintance with manufacturing, are competent to improve it in a manner most beneficial to the country, and thus the interests of the State, as well as of the neighborhood in which such power is situated, will be most effectually subserved.

The board, in conclusion, beg leave to add that they are not aware that any further legislation is required on the subject of the water power, other than that suggested in their annual report, in relation to the procurement of ground for its use, to which they would respectfully refer.

Respectfully submitted,

THOS. H. BLAKE,

Pres. pro tem. of the Board.

Mr. Elliott,

from the committee of ways and means, to which was referred a resolution relative to a geological survey, reported, that they have had the same under consideration, and have directed me to report the following bill:

No. 176—a bill to amend an act, entitled, an act for a geological survey of the State of Indiana, approved Feb. 6, 1837; read a first time.

Mr. Dunning moved to amend, by striking out from the enacting clause, and insert, that the act entitled, "an act for a geological survey of the State of Indiana, approved Feb. 6, 1837," be, and the same is hereby repealed; which was adopted.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dunn, Dunning, Elliott, Finch, Green, Hacket, Hoagland, Little, Mitchell, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Walker, Watts of D., Watt of U. and Vawter—41.

Those who voted in the negative were,

Messrs. Casey, Dobson, Ewing, Moffitt and Trask—5.

On motion of Mr. Thompson of L.,

The bill was considered as engrossed and read a third time.

On the question, shall the bill pass? The ayes and noes were called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dunn, Dunning, Elliott, Finch, Green, Hacket, Hoagland, Little, Mitchell, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Walker, Watts of D., Watt of U. and Vawter—41.

Those who voted in the negative were,

Messrs. Dobson, Moffitt and Trask—3.

So the bill passed.

On motion of Mr. Morgan of R.,

The title was amended, by striking out the word "amend," and insert "repeal."

Mr. Elliott, from the committee of ways and means, reported,

MR. PRESIDENT—

The committee of ways and means, to whom was referred a resolu-

tion in relation to assessing and collecting the revenue of the State, as to incomplete assessments, and deficiencies in the quantity of lands returned from many counties, compared with the preceding years, have had the same under consideration, and have directed me to report that it is inexpedient to legislate on this subject at this time, and ask to be discharged from the further consideration thereof. The committee were discharged.

Mr. Thompson, from the judiciary committee, reports,

Mr. PRESIDENT—

The judiciary committee to which was referred a bill, No. 106, of the Senate, entitled, a bill to amend the charter of the Borough of Vincennes, have directed me to report the same back to the Senate, without amendment, and ask to be discharged from the further consideration thereof. The committee were discharged.

On motion of Mr. Thompson of L.,

The bill was considered as engrossed and read a third time, the rules being suspended, and passed.

Mr. Thompson of L., from the judiciary committee, again reports,

Mr. PRESIDENT—

The judiciary committee to which was referred a bill, No. 145, of the Senate, entitled, a bill to amend an act, entitled, an act organizing circuit courts, and defining their powers and duties, approved Jan. 24, 1831, have directed me to report the same back without amendment, and ask to be discharged from the further consideration thereof. The committee were discharged.

On motion of Mr. Thompson of L.,

The rules were suspended, the bill considered as engrossed, read a third time and passed.

Mr. Thompson of L., from the same committee, further reports:

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of John Plummer and sundry other citizens of Cass county, praying that certain acts, in relation to the sale of a reserved township of said county, may be legalized, have directed me to report the following bill, in accordance with the prayer of the petitioner.

No. 177, an act legalizing certain proceedings in relation to the sale of certain school lands in Cass county—which was read a 1st time.

On motion of Mr. Ewing, the rules were suspended, and the bill read a 2d time.

On motion of Mr. Morgan of R. the bill was considered as engrossed, read a 3d time and passed.

Mr. Dunning from the committee on Education, reports,

MR. PRESIDENT—

The committee on education to whom were referred sundry petitions and remonstrances from a portion of the citizens of Dearborn county, on the subject of the proceedings of a certain township in said county, under the provisions of the act incorporating congressional townships and providing for public schools therein, and also praying the repeal of a certain law, legalizing said acts and doings of the citizens of said township, have had these several matters therein named under consideration, and have instructed me to report that legislation upon those subjects, at this time is inexpedient and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Dunning from the same committee, again reports,

MR. PRESIDENT—

The committee on education to whom was referred a bill of the House of Representatives, No. 10, entitled a bill for the sale of certain school lands belonging to the Vincennes reserved tract, have had the same under consideration and have directed me to report the same back to the Senate without amendment, and ask to be discharged from any further consideration thereof.

The committee were discharged.

On motion of Mr. Dunning the rules were suspended, the bill read a 3d time and passed.

Mr. Dunning from the same committee again reports,

MR. PRESIDENT—

The committee on education to whom was referred a bill of the House of Representatives, No. 156, entitled an act to legalize the sale of the 16th section, in township No. 9, range No. 2 west, have according to order had the same under consideration, and directed me to report the same back to the Senate without amendment, and ask to be discharged from any further consideration thereof.

The committee were discharged.

On motion of Mr. Dunning the rules were suspended, the bill read a 3d time and passed.

Mr. Mount from the committee on public buildings, reported,

That the committee on public buildings, to which was referred a resolution, enquiring into the expediency of causing Cisterns to be erected at each end of the Capitol, to serve as reservoirs, to supply water for the preservation thereof, in case of accident by fire, have had the same under consideration and directed me to report the following bill:

No. 178, an act to provide for the security of the State House, which was read a 1st time. On motion of Mr. Mount, the rules were suspended, and the bill read a 2d time. On motion of Mr. Bowen, the rules were further suspended, the bill read a 3d time and passed.

Mr. Walker from the committee on public buildings, reports:

Mr. PRESIDENT—

The committee on public buildings, to whom a resolution was referred on that part of His Excellency the Governor's Message, that relates to the building of Fire-proof Houses, for the Public Offices and Archives of the State, have had the same under consideration, and directed me to report that it is inexpedient to legislate on that subject at this time, and ask to be discharged from the further consideration of that subject.

The committee were discharged.

Mr. Stewart from the committee on Agriculture, reports:

Mr. PRESIDENT—

The committee on agriculture to whom was referred the memorial of a committee on the part of the State Agricultural Society praying the passage of a law to allow the Secretary of the State society a compensation as such, have according to order, had the same under consideration, and have directed me to report the following bill:

No. 179, a bill to amend an act, entitled an act for the encouragement of Agriculture, approved Feb. 7th, 1835, which was read a 1st time. On motion of Mr. Stewart the rules were suspended and the bill read a 2d time.

Mr. Dunn moved to re-commit the bill with instructions.

Mr. Thompson of P. moved to indefinitely postpone the bill.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Beard, Bradbury, Casey, Cathcart, Clark, Cole, Colerick, Daily, Dobson, Dunning, Green, Hackett, Hoagland, Kennedy, Morgan of R., Puett, Smith, Stanford, Turman, Thompson of P., Trask, Walker, Watts of D. and Watt of U.—24.

Those who voted in the negative were,

Messrs. Baird, Bell, Bowen, Brady, Chambers, Crawford, Dunn, Ewing, Finch, Little, Mitchell, Moore, Morgan of D., Mount, Sigler, Stafford, Stewart, Thompson of J., Thompson of L., Tuley, and Vawter—20.

So said bill was indefinitely postponed.

Mr. Thompson of L. from a select committee, reports:

Mr. PRESIDENT—

The select committee to which was referred the petition of Asher Wilcox and sundry other citizens of Lawrence, Washington, and Jack-

son counties, in relation to the erection of a dam across the East fork of White river in Lawrence county, have directed me to report the following bill, in accordance with the prayer of the petitioners:

No. 180, and act to authorize Asher Wilcox to erect a dam across the East Fork of White River in Lawrence county, which was read a 1st time. On motion of Mr. Thompson of L. the rules were suspended, and read a 2d time, the rules being further suspended, the bill was considered as engrossed and read a 3d time and passed.

On motion, Senate adjourned.

2 o'clock P. M.

Senate assembled.

Mr. Cathcart from a select committee, reports:

No. 181, a bill to locate a State road from Tiptonsport, in Carroll county, to Monticello in White county, which was read a 1st time. On motion of Mr. Cathcart, the rules were suspended, and the bill read a 2d time.

Mr. Cathcart moved to amend by inserting "General Assembly,"—which was agreed to. On motion of Mr. Beard, the rules were further suspended, and the bill read a 3d time and passed.

Mr. Bowen from a select committee, reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Isaac Martin and others, citizens of Fountain county, praying for the passage of an act to authorize certain persons therein named, to establish a horse boat ferry across the Wabash river, apposite Washington street in the town of Attica, have had that subject under consideration, and have instructed me to report the following bill, in accordance with the prayer of the petitioners:

No. 182, a bill to provide for the establishment of a horse boat ferry therein named, across the Wabash river, at Attica, which was read a first time. On motion of Mr. Bowen, the rules were suspended, the bill read a 2 and 3d time and passed.

Mr. Watt of D. from a select committee, reports:

Mr. PRESIDENT—

The select committee to which was referred the petition of the Lawrenceburgh Bridge Company, have had that subject under consideration and have directed me to report by bill, and ask to be discharged from the further consideration of the same.

The committee were discharged.

No. 183, a bill to amend an act entitled an act to incorporate the Lawrenceburgh Bridge Company, approved Jan. 24th, 1831, which

was read a 1st time. On motion of Mr. Watts of D. the rules being suspended, and the bill read a 2d time and referred to the committee on corporations.

Mr. Thompson of P. from the committee on corporations, reported, That the committee to which was referred the petition of Nathan Jenks and others, praying an act to incorporate the Lagrange Collegiate Institute, and have instructed me to report the following bill:

No. 184, a bill to incorporate the Lagrange Collegiate Institute, which was read a 1st time. On motion of Mr. Daily the rules were suspended and the bill read a 2d time.

Mr. Mitchell moved to amend by inserting "or prevent the students from writing to, or receive the visits of their friends."

Mr. Sigler moved to amend by inserting "providing that said corporation shall not hold more than ten thousand dollars worth of real estate at any time."

On motion of Mr. Ewing the bill and amendments were recommitted to a select committee of Messrs. Crawford, Colerick, and Baird.

Mr. Thompson from the same committee, again reports,

That the committee on corporations, to which was referred a bill of the House of Representatives No. 172, entitled an act to incorporate the Wabash Hotel Company, have examined the same and directed me to report the same without amendment and ask to be discharged from the further consideration thereof.

Mr. Thompson of P. moved to strike out \$250,000 and insert in lieu thereof \$50,000.

Mr. Trask moved to amend the amendment by inserting \$75,000—which was accepted.

On the question shall the amendment be adopted? The Senate decided in the affirmative.

Mr. Thompson of P. moved further to amend by inserting "and this charter shall be subject to be amended and altered at any time by Legislative enactment"—which was agreed to.

On motion of Mr. Trask the bill was considered as engrossed, read a 3d time, the rules being suspended, and passed.

Mr. Trask moved to take up bill No. 167, a bill in addition to an act entitled an act to provide for a General System of Internal Improvements, together with the amendments—which was not agreed to.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Bell, Casey, Colerick, Daily, Dobson, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Morgan of D., Smith, Stewart, Turman, Thompson of P., Trask, Walker, and Watts of D.—19.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Crawford, Dunn, Dunning, Elliott, Little, Mitchell, Moffitt,

Morgan of R., Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Tuley, Watt of U.. and Vawter—25.

On motion of Mr. Thompson of L. the Senate resolved itself into a committee of the whole on No. 85, a bill to provide for the partition of real estate, Mr. Thompson of L. called to the chair.

After sometime spent therein, the committee rose and the Chairman reported that the committee had made one amendment to the bill, in which he was instructed to ask the concurrence of the Senate.

On the question will the Senate concur in the amendment?—It was negatived.

On motion of Mr. Thompson of L. the bill was considered as engrossed, and read a 3d time, the rules being suspended, and passed.

On motion of Mr. Dunning, the Senate resolved itself into a committee of the whole on the bill No. 82, a bill defining county boundaries, Mr. Dunning called to the chair.

After some time spent therein, the committee rose, and the Chairman reported that the committee had made some progress in discharge of the duty assigned it, but not having sufficient time to complete their investigation, asked leave to sit again—which was granted.

On motion, the Senate adjourned.

WEDNESDAY MORNING, JAN. 31, 1838.

Senate assembled.

Mr. Stanford from the joint committee on enrolled bills reports:

MR. PRESIDENT--

The joint committee on enrolled bills now report that they have compared the enrolled with the engrossed bills of the Senate,

No. 36, entitled an act to incorporate the Greenville Seminary in Floyd county;

No. 103, entitled an act for the relief of Isaac Kimberlin;

No. 116, entitled an act to appropriate a part of the three per cent. fund in the county of Morgan;

And find the same truly enrolled.

On motion of Mr. Daily,

Resolved, That the Board of Internal Improvement be respectfully requested to lay before the Senate, at as early a day as practicable, the order by them made, instructing the resident commissioner on the Jeffersonville and Crawfordsville road, to make arrangements with the

Salem and Ohio turnpike company, to relinquish to the state the charter granted by an act of the legislature of January, 1835; also if they have received information from said commissioner of his having entered into an arrangement with the aforesaid company, and if any such arrangement has been made, the conditions thereof.

Mr. Thompson of L. introduced No. 186, a bill for the relief of Wirts and Reinhard of the City of Louisville and State of Kentucky;

Read a 1st time; on motion of Mr. Thompson of L., the rules were suspended and the bill read a 2d time.

Mr. Tuley moved to amend by striking out the word "sheriff" and insert in lieu thereof "school commissioner."

On motion of Mr. Thompson of L. referred to a select committee of Messrs. Thompson of L., Tuley and Green.

Mr. Vawter from a committee of free conference reports:

MR. PRESIDENT—

The joint committee of free conference appointed to take into consideration the disagreeing vote between the two Houses on the subject of mileage and pay of witnesses summoned to appear before the investigating committee of the House, on the subject of the State Bank, have agreed to allow the witnesses two dollars per day, during the time they were detained in town, and five cents per mile each way, for their travel to and from the seat of government.

On the question, will the Senate concur in the report? the Senate decided in the affirmative.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Beard of M., Bell, Bowen, Brady, Chambers, Clark, Cole, Daily, Dunn, Ewing, Finch, Hoagland, Little, Morgan of R., Mount, Stafford, Stewart, Turman, Thompson of J., Thompson of L., Watts of D., Watt of U. and Vawter—23.

Those who voted in the negative were,

Messrs. Baird of St. J., Bradbury, Casey, Cathcart, Colerick, Crawford, Dobson, Dunning, Elliott, Green, Hackett, Kennedy, Mitchell, Moffitt, Morgan of D., Puett, Smith, Stanford, Thompson of P., Trask, Tuley and Walker—22.

On motion of Mr. Morgan of R.,

Resolved, That the Board of Internal improvement be requested to report to the Senate what portion of the public works the Board contemplate to put under contract during the present year, and what additional means will be necessary during the present year, to carry out the plan of the Board; and also what amount of state bonds have been sold under the authority of the act to establish a general system of in-

ternal improvement, exclusive of the Wabash and Erie canal (proper), and what amount of money will be necessary to pay the interest which is or will become due on said state bonds during the present year, including the contemplated loans to be made during the present year, (1838); also, whether in the opinion of the Board, said interest should be paid out of the money borrowed or by a direct tax on the people.

On motion of Mr. Trask, the rules were suspended, and bill No. 167, presented by the Senator from Grant with its amendments were taken up;

The question was on committing to the committee on canals and internal improvements;

A division being called for, the question was, shall the bill be committed? which was agreed to.

On the question, shall the bill be committed to the committee of canals and internal improvements?

The ayes and noes were called for,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Colerick, Crawford, Dunn, Dunning, Elliott, Hacket, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Watt of U. and Vawter—30.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Daily, Dobson, Ewing, Finch, Green, Kennedy, Puett, Smith, Stewart, Thompson of P., Trask, Walker and Watts of D.—16.

Mr. Vawter, chairman of the committee on the State Bank, gave notice that on to-morrow he will report a bill to increase the capital stock and branches of the State Bank of Indiana.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Daily from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the Senate No. 143, for the promotion of schools and education in Clark's Grant, have instructed me to report the same back to the Senate without amendment and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Daily, the rules were suspended, the bill considered as engrossed, read a 3d time and passed.

Mr. Beard gave notice that he would, when the bill relative to increasing the number of branches of the State Bank of Indiana is taken up, move to amend as follows:

1st, By increasing the capital stock of said bank \$500,000 per annum for six years;

2d, To increase the number of branches at least one per annum for six years, two at least shall be located upon the resumption of specie payments by the bank and branches;

3d, To increase the sinking fund to \$200,000 per annum for 6 years, the interest, profits and dividends to be applied to defraying the accruing interest on loans for the purpose of internal improvements.

Mr. Watts from a select committee reported:

That the select committee to which was referred No. 3 of the House, an act to amend the act incorporating the Aurora and Napoleon turnpike company, and to legalize the proceedings of the Board of Directors of said company, with an amend, in which they ask the concurrence of the Senate, and ask to be discharged from the further consideration thereof.

The amendment was concurred in, and the committee were discharged.

On motion of Mr. Watts of D., the rules were suspended, the bill was considered as engrossed, read a 3d time and passed.

Mr. Clark from the committee on canals and internal improvements reports:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred the report of the Board of Internal Improvement, have considered some portions of said report, and have directed me herewith to report a bill:

No. 187, entitled a bill for the protection of the canals belonging to the state, the collection of tolls thereon and for other purposes;

Read 1st time, and on motion of Mr. Clark, the rules were suspended, and the bill read a 2d time and referred to a committee of the whole and made the order of the day for to-morrow.

Mr. Cathcart from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred a bill No. 93, of the House of Representatives, to legalize the official acts of judge of probate in Lake county, have had the same under consideration and have directed me to report the same back without amendment.

On motion of Mr. Cathcart, the rules were suspended, the bill read a 3d time and passed.

Leave granted, Mr. Tuley presented a petition from Henry Bortorff and others, praying the location of a state road from Lexington in Scott county to New Albany in Floyd county;

Referred to a select committee of Messrs. Tuley, Daily & Hoagland.

On motion of Mr. Bowen, the rules were suspended, and No. 110, a bill to locate certain state roads therein named, was taken up, read a 2d time; on motion of Mr. Bowen, the rules were further suspended, the bill read a 3d time and passed.

Mr. Finch from a select committee reports:

MR. PRESIDENT—

The select committee to which was referred a joint resolution No. 109, on the subject of a western armory, have had the same under consideration and have directed me to report the same back with one amendment, in which the concurrence of the Senate is respectfully requested.

The Senate concurred in the amendment.

On motion of Mr. Finch, the rules were suspended, and the bill read a 2d and 3d times and passed.

Mr. Elliott from the committee of ways and means reports:

MR. PRESIDENT—

The committee of ways and means to whom was referred bill of the House No. 21, an act regulating the compensation of jurors and witnesses, have had the same under consideration and find the provisions of said bill provided for in the general salary bill and fee bills therein named.

On motion of Mr. Elliott, laid on the table.

Mr. Finch from the committee on canals and internal improvements, reported:

No. 188, a bill authorizing a survey of a road in Clinton and Carroll counties, read a 1st time.

Ordered to a 2d reading on to-morrow.

Mr. Crawford from a select committee reports that the committee to which was referred No. 184, a bill to incorporate the Lagrange Collegiate Institute, have had that subject under consideration and have directed me to report the bill back to the Senate with three amendments thereto, in which the concurrence of the Senate is requested.

The two first amendments were concurred in.

On motion of Mr. Crawford, the word "lucrative" was stricken out.

On motion of Mr. Crawford, the rules were suspended, the bill read a 3d time and passed.

Mr. Walker moved that the rules be suspended and the bill relative to a change in the Madison and Lafayette road be taken up;

The ayes and noes being called for,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Daily, Ewing, Finch, Green, Mitchell, Moffitt, Morgan of D., Morgan of R. Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker and Watts of D.—19.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Hackett, Hoagland, Little, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter—25.

So said bill was not taken up.

Mr. Thompson of J. from the committee on corporations reports:

That the committee on corporations to which was referred No. 164, a bill to incorporate the town of Franklin in Johnson county, Indiana, have had the same under consideration and directed me to report back to the Senate without amendment.

On motion of Mr. Stanford, the word "proceedings" was stricken out and "provisions" inserted.

On motion of Mr. Thompson of J., the rules were suspended, the bill considered as engrossed, read a 3d time and passed.

Mr. Cathcart from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred a bill No. 102, of the the House of Representatives, establishing temporarily a Court house in the county of Lake, and for other purposes have had the same under consideration, and have directed me to report said bill back to the Senate with two amendments, in which the concurrence of the Senate is requested.

The Senate concurred in the amendments.

On motion of Mr. Cathcart the bill was considered as engrossed, and the bill read a 3d time, the rules being suspended and passed.

On motion of Mr. Thompson of P. the rules were suspended and No. — a bill to incorporate the town of Rockport, Spencer county, was taken up.

On motion of Mr. Thompson of P. the rules were suspended, the bill read a 3d time and passed.

On motion of Mr. Colerick, the rules were suspended, and a joint resolution relating to the Indianapolis and Lawrenceburgh Rail Road Company was taken up.

On motion of Mr. Colerick referred to a select committee of Messrs. Colerick, Walker, and Elliott.

On motion of Mr. Thompson of L., the Senate resolved itself into a committee of the whole on a bill to define county boundaries.

Mr. Dunning in the chair.

After sometime spent therein the committee rose, and the chairman

reported that the committee had made some progress, and directed that the bill be reported back to the Senate, and asked to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Dunning, the bill was recommitted to the committee of revision.

The following message was received from the House of Representatives, by Mr. Elliott their Clerk:

Mr. PRESIDENT—

The House of Representatives have concurred in the report of the joint committee of free conference, of the two houses to take into consideration the disagreement of the two houses in relation to the bill of the House, No. 243, an act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes.

Mr. Ewing from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his Excellency the Governor, for his approval and signature bills of the following titles, to-wit:

No. 49—An act to legalize the sale of the school section of Congressional township No. 3, north of range No. 8 east, in Scott county;

No. 104—An act to locate a state road from Salem in Washington county to Charlestown in Clark county;

No. 103—An act for the relief of Isaac Kimberlin;

No. 116—An act to appropriate a part of the three per cent. fund in the county of Morgan;

No. 204—An act to amend an act entitled an act to provide for draining Lost creek in Vigo county; approved January 21st, 1837;

No. 74—An act declaring a certain name a misprint;

No. 36—An act to incorporate the Greenville Seminary in Floyd county;

Also, No. 74—A memorial and joint resolution relative to the public lands in the state of Indiana;

On motion, Senate adjourned.

THURSDAY MORNING, FEB. 1, 1838.

Senate assembled.

Mr. Kennedy presented a petition from G. C. Gilbert and others, re-

lative to a survey of a route for a rail road from Muncietown to Fort Wayne; referred to Messrs. Kennedy, Trask, and Colerick.

Mr. Kennedy presented a petition from Thomas J. Sample, praying an additional justice of the peace in Mount Pleasant township, Delaware county; referred to Messrs. Kennedy, Trask, and Bowen.

Mr. Elliott from the committee of ways and means reports:

That the committee to which was referred the general salary bill, No. 141, have had the same under consideration and have directed me to report the same back to the Senate with sundry amendments.

Mr. Clark moved that so much of the report as relates to the pay of engineers be referred to the committee of canals and internal improvements.

On motion of Mr. Thompson of P. referred to the committee of the whole for to-morrow.

Mr. Thompson of L. from the judiciary committee reports:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 124, entitled a bill relating to the acts of householders in the county of Lake, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a third time and passed.

Mr. Thompson of L. from the same committee again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representative, No. 191, entitled a bill for the relief of John Matthews, have had the same under consideration and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of L. from the same committee again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 61, entitled a bill for the relief of Henry Matthews, have had the same under consideration and have directed me to report the same back to the Senate, without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of L. from the same committee again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 239, entitled a bill for the relief of Edward Hopkins, have had the same under consideration and directed me to report the same back to the Senate, without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

Mr. Dunning from the committee on education reports:

Mr. PRESIDENT—

The committee on education to whom was referred the petition of James W. Dunn and other citizens of Cass county, praying the passage of an act to enable the Trustees of the Cass county seminary, have had the same under consideration and have instructed me to report the following bill, viz:

No. 189—A bill for the benefit of the Cass county Seminary;

Which was read a first time.

On motion of Mr. Dunning, the rules were suspended and the bill read a second time.

Mr. Elliott moved to amend by striking out \$1 25, and insert in lieu thereof "fixed minimum price;" which was adopted.

Mr. Clark moved further to amend, by inserting "provided however, that such entry shall not be made until after the said canal lands shall have been offered at public sale."

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Casey, Chambers, Clark, Cole, Colerick, Daily, Dunn, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of L., Thompson of P., Tuley, Walker, Watts of D. and Vawter—36.

Those who voted in the negative were,

Messrs. Cathcart, Crawford, Dobson, Dunning, Elliott, Ewing, Finch, Thompson of J., and Watt of U.—9.

Mr. Ewing moved to indefinitely postpone the bill.

Mr. Crawford moved to lay it on the table, which was not agreed to.

On the question, "shall the bill be indefinitely postponed?"

The Senate decided in the affirmative.

Mr. Dunning from the committee on education, reports:

MR. PRESIDENT—

The committee on education to whom was referred a bill of the House of Representatives No. 35, entitled "an act relative to the Vincennes University," have had the same under consideration, and have made two amendments thereto and have instructed me to report the same back to the Senate and ask their concurrence therein and ask to be discharged from any further consideration thereof.

The amendments were concurred in.

On motion of Mr. Moore, the rules were suspended, the amendments were considered as engrossed, the bill read a third time and passed.

Mr. Colerick, from committee on corporations, reports:

MR. PRESIDENT—

The committee on corporations to whom was referred the bill of the House, numbered 92, entitled a bill to incorporate the Paoli Savings Institution, have had the same under consideration and directed me to report the same back, and recommend its indefinite postponement;

Which was not agreed to.

On motion of Mr. Dunning, the bill was recommitted to the judiciary committee.

Mr. Finch from a select committee to which was referred No. 9, a bill to incorporate the "West Delphi Bridge Company," have duly considered the same, and directed me to report it back, with an amendment; in which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

On motion of Mr. Finch the bill was considered as engrossed, read a third time and passed.

Mr. Kennedy from a select committee, reports:

MR. PRESIDENT—

The select committee to which was referred the petition of T. G. Sample and others, praying the passage of a law authorizing the election of a justice of the peace in the town of Yorktown, have had the same under consideration, and have instructed me to report the following bill:

No. 190—A bill to provide for an additional justice of the peace in Yorktown; which was read a first time.

On motion of Mr. Kennedy, the rules were suspended and the bill read a second and third times and passed.

Mr. Tuly from a select committee, reports:

MR. PRESIDENT—

The select committee to whom was referred the petition of William Kirkwood and others, and Asahel Clapp and others, for a charter for a

canal company to construct a canal from the east fork of White river to the mouth of Falling run in Floyd county, to intersect the Jeffersonville and New Albany canal round the falls of the Ohio river, have had the same under their consideration and directed me to report the following bill:

No. 191—An act to incorporate the White river and New Albany Canal Company; which was read a first time.

On motion of Mr. Tuley the rules were suspended and the bill read a second time.

Mr. Tuley moved that the bill be referred to the committee on corporations.

Mr. Daily moved to change the reference to a select committee.

M. Thompson of L., moved to refer it to the committee of canals and internal improvements; which was accepted by the Senator from Floyd.

On the question, shall the bill be so referred?

The Senate decided in the affirmative.

Mr. Thompson of L., reports:

Mr. PRESIDENT—

The select committee to which was referred a bill No. 188, of the Senate, entitled "a bill for the relief of Wirts and Reinhard of the city of Louisville and State of Kentucky," have had the same under consideration, and have directed me to report the same back to the Senate and recommend the following amendments:

1st. Strike out, where they occur in the first section, the words "the sheriff," and insert in lieu thereof "the School Commissioner."

2d. Strike out, in the proviso in said section, the words "twenty-five" where they occur, and insert in lieu thereof "fifty;" and the words "thirty-three and one-third," and insert in lieu thereof "one hundred."

The amendments were concurred in generally.

On motion of Mr. Thompson of L., the bill was considered as engrossed and read a third time, the rules being suspended, and passed.

Mr. Thompson of L. reports,

Mr. PRESIDENT—

The select committee to which was referred the petition of William Butler and sundry other citizens of the county of Lawrence, praying for a vacation of the State road leading from Bedford, by the way of Guthrie's creek bridge, to Bono, in said county, and the remonstrance of James Montgomery and sundry other citizens of said county, remonstrating against the same, have had the same under consideration, and finding 45 more remonstrators than petitioners, have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Stewart, from a select committee, reports,

Mr. President—

The select committee to whom was referred the petition of George Flowers and others, praying a charter to be granted to them to erect a bridge across the Wabash river, at or near Mount Carmel, have bestowed some reflection on the subject, and is of the opinion that the prayers of the petitioners ought to be granted; but for want of necessary information from said petitioners, your committee is unable to report a bill, and therefore recommend the petition to be laid on the table, and remain with the unfinished business of the session, and request to be discharged from the further consideration of the same.

The committee were discharged.

Mr. Clark, from the committee on canals and internal improvements, reports,

Mr. President—

The committee on canals and internal improvements, to whom was referred an engrossed bill from the House of Representatives, No. 158, entitled, a bill to incorporate the Harrison and Napoleon Turnpike Company, have considered the same, and have directed me to report it to the Senate without amendment.

On motion of Mr. Watts of D.,

Re-committed to a select committee of Messrs. Watts, Morgan of D., Walker and Smith.

Mr. Turman, from a select committee, reports,

That the select committee to which was referred a bill of the House appropriating the Three per cent. Funds, appropriated in Warren county, have had the same under consideration, made several amendments thereto, and ask the concurrence thereto.

The amendments were concurred in.

On motion of Mr. Vawter,

The amendments were considered as engrossed, and the bill read a third time, the rules being suspended, and passed.

On motion of Mr. Dunn,

Resolved, That the judiciary committee be instructed to report a bill providing for a change of venue in criminal cases.

On motion of Mr. Crawford,

Provided, That the judiciary committee be instructed to inquire into the expediency of enacting a law, concerning the imprisonment, &c. of lunatics, charged with crime, with leave to report by bill or otherwise.

Mr. Tuley offered for consideration, the following:

Resolved, That the board of internal improvement report to this Senate, whether or not it would be proper to reduce the number of engineers one third; and, also, the propriety of discharging from service during the winter months, such number of engineers as cannot be profitably employed in surveying, locating, and other service of the government, connected with the speedy and faithful prosecution of the

public work in this State; and that said board inform this Senate, if practicable, the number of days Samuel Forrer and Sylvester Welch were engaged in actual service as engineers on the Jeffersonville and Crawfordsville road, and what amount was paid them for that service.

Mr. Vawter moved to amend, by striking out so much as relates to the sum paid, and the individuals in the employment of the State.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Vawter,

The rules were suspended, and bill, No. 167, entitled, a bill to provide for distributing so much of the surplus revenue as the State of Indiana is entitled to receive, &c.

On motion of Mr. Thompson of L.,

Referred to the committee on State Bank.

Mr. Beard moved to re-consider the vote, on committing the bill,—not agreed to.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives have passed an engrossed joint resolution thereof,

No. 263—a joint resolution in relation to the number of revised laws, to be printed and published; in which the concurrence of the Senate is requested.

The joint resolution was read a first time;

On motion of Mr. Moore,

The rules were suspended and read a second time.

Mr. Moore proposed to amend, by striking out "seven thousand," and insert in lieu thereof, "ten thousand."

On motion of Mr. Thompson of L.,

Laid on the table.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has refused to concur in the first amendment of the Senate to the resolution of the House of Representatives, in relation to instructing the joint committee on revision to report a bill limiting the number of fund commissioners to two, to be elected by joint ballot of the two Houses, by inserting, "joint viva voce vote of the two Houses of the General Assembly," and has concurred in the second and third amendments to said resolution.

The House of Representatives has receded from its amendment to the bill of the Senate, No. 56, an act to enable the school commissioner of Ripley county to do certain acts.

The House of representatives has also concurred in the amendments of the Senate to the engrossed bill of the House,

No. 39—an act to incorporate the town of Princeton.

The House of Representatives has passed engrossed bills of the Senate, entitled,

No. 99—an act to amend an act, entitled, an act to incorporate the Buffalo and Mississippi Rail-road Company.

No. 156—an act for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county; each without amendment.

An engrossed bill of the House,

No. 285—an act regulating the interest of money; in which the concurrence of the Senate is requested.

Mr. Thompson of P. moved that the Senate recede from their amendment to the resolution of the House, mentioned in the message.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Bell, Cathcart, Chambers, Dobson, Dunn, Ewing, Green, Hackett, Little, Moffitt, Morgan of D., Morgan of R., Puett, Smith, Stanford, Stewart, Turman, Thompson of J., Thompson of P., and Watts of D.—20.

Those who voted in the negative were,

Messrs. Baird of St. J., Beard of M., Bowen, Bradbury, Casey, Clark, Cole, Colerick, Crawford, Daily, Dunning, Kennedy, Mitchell, Moore, Mount, Sigler, Stafford, Thompson of L., Trask, Watt of U., and Vawter—22.

So the Senate did not agree to recede.

Mr. Thompson of L. moved that the Senate insist upon their amendment and that a committee of free conference be appointed to meet with a similar committee on the part of the House, to consider the disagreement of the two Houses; which was agreed to.

Ordered, That Messrs. Thompson of L. and Clark act as that committee on the part of the Senate.

No. 285—An act regulating the interest of money, read a 1st time; On motion of Mr. Clark, the rules were suspended and read a 2d time.

Mr. Sigler moved to amend by inserting after the word "committed" in section 2d "not exceeding;" which was not agreed to.

Mr. Thompson of P. moved to amend by inserting:

Provided, That in any case where by contract made in writing as aforesaid, a larger amount of interest not exceeding ten per cent. was agreed to be paid, the judgment obtained thereon shall carry the same amount of interest as such original contract, if the same was to carry such amount of interest until paid; which was not agreed to.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Hanna a member thereof:

Mr. PRESIDENT—

The House of Representatives have passed a bill No. 297, entitled a bill to incorporate the Marion Guards, to which the concurrence of the Senate is respectfully requested;

Read 1st time and on motion of Mr. Thompson of L., the rules were suspended and the bill read a 2d time.

On motion of Mr. Thompson of P., so much thereof as relates to publishing the same, was stricken out.

On motion of Mr. Clark, the rules were suspended, the bill read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill of the Senate, entitled,

A bill No. 51, to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands, without amendment.

The following message was received from the House of Representatives by Mr. Bryce a member thereof:

Mr. PRESIDENT—

The House of Representatives have passed engrossed bills of the House, entitled

No. 101—An act supplemental to an act entitled an act to incorporate the Jeffersonville Insurance Company;

No. 152—An act for the formation of the county of Blackford;

No. 213—An act giving to the State of Illinois the right of way within this state to connect the northern cross rail road, in Illinois, with the Wabash and Erie canal at Covington;

In which the concurrence of the Senate is requested.

No. 101—An act supplemental to an act entitled an act to incorporate the Jeffersonville Insurance Company;

Read 1st time and on motion of Mr. Daily, read a 2d time, the rules being suspended.

On motion of Mr. Elliott, referred to the committee on corporations.

No. 152—An act for the formation of the county of Blackford;

Read a 1st time and on motion of Mr. Trask, the rules were suspended, and the bill read a 2d time and referred to a select committee of Messrs. Trask, Crawford, Kennedy and Colerick.

No. 213—An act giving to the State of Illinois the right of way within this state, to connect the northern cross rail road in Illinois, with the Wabash and Erie canal at Covington;

Read a 1st time, and on motion of Mr. Bowen, the rules were suspended, and the bill read a 2d time and referred to a select committee of Messrs. Bowen, Puett and Sigler.

The following message was received from the House of Representatives by Mr. Elliott their clerk.

MR. PRESIDENT—

The House of Representatives has passed engrossed bills thereof, entitled,

No. 183—An act to define the counties of Wabash, Miami and Fulton, and including within each territory not heretofore attached to any county;

No. 258—An act for the relief of the collector of Jay county; and,

No. 283—An act for the relief of Asa Brown;

And also an engrossed bill of the Senate,

No. 81—An act regulating damages on protested bills of exchange, with an amendment;

In which bills of the House, and amendment of the House to the bill of the Senate, the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the House, entitled

No. 57—An act for opening and repairing public roads and highways in the county of Hancock; and of the Senate,

No. 35—An act to locate a state road from Cambridge City to Fort Wayne;

I am directed to bring them to the Senate for the signature of the President thereof.

No. 183—An act to define the counties of Wabash, Miami and Fulton, and including within each territory not heretofore attached to any county; read a 1st time;

On motion of Mr. Trask, the rules were suspended and the bill read a 2d time and referred to the committee on revision.

On motion of Mr. Ewing, the committee were instructed as follows:

That that part of the bill relating to Fulton county be embraced and included in and made a part of Fulton county proper, and to be embraced in the section which defines the limits of said county.

No. 258—An act for the relief of the collector of Jay county;

Read a 1st time, and on motion of Mr. Trask, the rules were suspended, the bill read a 2d time and referred to the committee on claims.

No. 283—An act for the relief of Asa Brown;

Read a 1st time, and on motion of Mr. Vawter, the rules were suspended, the bill read a 2d time, and on motion of Mr. Thompson of L., the rules were further suspended, the bill read a 3d time and passed.

And of the Senate, No. 81—An act regulating damages on protested bills of exchange, with an amendment;

The Senate refused to concur in the amendment.

The President having signed enrolled bills of the House mentioned in the message, they were handed to the committee on enrolled bills to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

I am directed to inform the Senate that the House of Representatives has passed engrossed bills thereof, entitled as follows, viz:

No. 182—An act to organize the county of Whitley;

No. 189—An act dividing the state into judicial circuits and fixing the time of holding courts therein;

No. 280—An act to incorporate the Elizabeth steam mill, boat, shipyard and manufacturing company;

No. 281—An act for the relief of Dalzell, Clark and Whitcomb, and C. Clark & Co; and

No. 292—An act appointing bridge and road commissioners in the counties of Spencer and Perry, and defining their powers and duties;

In which the concurrence of the Senate is requested.

The House of Representatives has also passed an engrossed bill of the Senate, entitled,

No. 92—An act for the relief of Thomas P. Miller, without amendment;

No. 182—An act to organize the county of Whitley;

Read a 1st time, and on motion of Mr. Crawford, the rules were suspended and the bill read a 2d time and referred to a select committee of Messrs. Crawford, Colerick, Trask and Ewing;

No. 189—An act dividing the state into judicial circuits and fixing the time of holding courts therein;

Read a 1st time, and on motion of Mr. Thompson of L., the rules were suspended and the bill read a 2d time;

Mr. Thompson of L. moved to refer it to a committee of the whole and made the special order of the day for to-morrow;

Mr. Dunning moved to indefinitely postpone the bill;

Which was not agreed to.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Bell, Cole, Dunning, Kennedy, Moore, Morgan of D., Morgan of R., Smith, Trask, and Walker—10.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Cathcart, Chambers, Clark, Colerick, Crawford, Daily, Dobson, Dunn, Elliott, Ewing, Green, Hackett, Little, Mitchell, Moffitt, Mount, Puett, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Watts of D. Watt of U. and Vawter—33.

On the question, shall the bill be referred to a committee of the whole and made the special order of the day for to-morrow?

The Senate decided in the affirmative.

No. 280—An act to incorporate the Elizabeth steam mill, boat, shipyard and manufacturing company;

Read a 1st time, and on motion of Mr. Mitchell, the rules were suspended and the bill read a 2d time, and on motion of Mr. Mitchell, referred to the committee on corporations.

No. 281—An act for the relief of Dalzell, Clark and Whitcomb, and Clark & Co;

Read a 1st time, and on motion of Mr. Turman, the rules were suspended and read a 2d time, and on motion of Mr. Morgan of R., referred to the committee on claims.

No. 292—An act appointing bridge and road commissioners in the counties of Spencer and Perry, and defining their powers and duties;

Read a 1st time, and on motion of Mr. Thompson of P., the rules were suspended and read a 2d time.

On motion of Mr. Thompson of P., Abner Edwards and James Latherland were added as commissioners.

On motion of Mr. Thompson of P., the rules were further suspended, the bill read a 3d time and passed.

Mr. Stanford from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills now report, that they have compared the enrolled with the engrossed bill of the Senate,

No. 156, entitled an act for the relief of the owners of certain lands and town lots in Tippecanoe county.

And find it truly enrolled.

The following message was received from the Governor, by his private Secretary, Mr. Maguire:

MR. PRESIDENT—

Acts and a memorial and joint resolution of the following titles, have received the approbation and signature of the Governor, viz:

No. 74—An act declaring a certain name a misprint;

No. 103—An act for the relief of Isaac Kimberlin;

No. 104—An act to locate a state road from Salem in Washington county to Charlestown in Clark county;

No. 116—An act to appropriate a part of the three per cent. fund in the county of Morgan;

No. 36—An act to incorporate the Greenville Seminary in Floyd county;

No. 49—An act to legalize the sale of the school section of congressional township No. 3, north of range No. 8 east in Scott county;

No. 204—An act to amend an act entitled an act to provide for draining Lost creek in Vigo county, approved January 21, 1837;

No. 74—A memorial and joint resolution relative to the public lands. On motion, the Senate adjourned.

FRIDAY MORNING, FEB. 2, 1838.

Senate assembled.

Mr. Kennedy presented the memorial of Jeremiah Smith, a citizen of Randolph county, which was read, and on motion of Mr. Kennedy referred to the judiciary committee.

Mr. Trask moved to suspend the rules of the Senate in order to introduce a resolution, which motion was decided in the negative.

Mr. Dunning from the judiciary committee made the following reports:

Mr. Morgan moved that the secretary of the Senate be authorized to employ additional assistance to aid in keeping up the business of the Senate during the illness of the assistant secretary.

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the House of Representatives, No. 92, entitled a bill to incorporate the Paoli Saving's Institution have had the same under consideration, have directed me to report the same back to the Senate without amendment, and ask to be discharged from any further consideration thereof.

The committee was discharged, and,

On motion of Mr. Dunning, the rules of the Senate were dispensed with, the bill was considered as engrossed, read a 3d time and passed.

Mr. Thompson of L. from the judiciary committee made the following report:

Mr. PRESIDENT—

The judiciary committee to which was referred a bill of the Senate, No. 115, entitled a bill to authorize Elisha Long and his wife, to sell certain real estate therein named, have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee was discharged.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of L. from the judiciary committee made the following report:

MR. PRESIDENT—

The judiciary committee to which was referred the petition of John M'Intire and sundry other citizens of Pike county, praying that the town of Canalport be attached to the town of Petersburg in said county for corporation purposes, have directed me to report the following bill:

No. 300—A bill attaching Canal Port to the town of Petersburg in Pike county, for corporation purposes; which was read a 1st time, and on motion of Mr. Thompson of L. the rules were suspended, the bill read a 2d time, and on motion of same gentleman the rules of the Senate were further suspended, the bill read a 3d time and passed.

Mr. Thompson of L. from the judiciary committee again reports:

MR. PRESIDENT—

The judiciary committee to which was referred a bill of the Senate, No. 48, entitled a bill to amend an act entitled an act concerning enclosures and trespassing animals, have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee was discharged.

On motion of Mr. Thompson of L. the rules of the Senate were suspended, the bill was considered as engrossed, read a 3d time and passed.

Mr. Thompson of L. from the judiciary committee again reports:

MR. PRESIDENT—

The judiciary committee to which was referred the petition of J. W. Hensly and other citizens of Shelby county, praying for the passage of an act authorizing an additional justice of the peace to be elected in said county, have directed me, in accordance with the prayer of the petitioners, to report the following bill, viz:

A bill No. 301, entitled a bill to provide for the election of a justice of the peace in the town of Middletown in Shelby county; which was read the 1st time. On motion of Mr. Thompson of L. the rules of the Senate were suspended, the bill read a 2d time; and on motion of Mr. Stanford amended by striking out the words "Indiana Journal," when on motion of Thompson of L. the rules of the Senate were further suspended, the bill and amendment considered as engrossed, read a 3d time and passed.

Mr. Thompson of L. from the judiciary committee made the following report:

Mr. President—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 212, entitled a bill appointing and authorizing Dan. Mace as a commissioner to make deeds in behalf of George Hollingsworth's heirs to the purchasers of certain lots in the town of Attica, have directed me to report the same back to the Senate and recommend that it be indefinitely postponed.

On motion of Mr. Bowen the bill was laid on the table.

Mr. Ewing from the committee on canals and internal improvements, made the following report:

Mr. President—

The committee on canals and internal improvements to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of so providing by law as to allow purchasers of canal lands to pay up certain portions of the principal that may be due on their lands at the time they are required to pay up the interest, have had that subject under consideration, and have directed me to report the following bill:

No. 303—A bill to provide for making partial payments on canal lands, which was read a 1st time.

On motion of Mr. Ewing, the rules of the Senate were suspended and the bill read a 2d time, when Mr. Thompson of P. moved the following as an amendment to the 2d section of the bill, viz: Provided, that all interest up to the time of such payment shall first be paid, which was adopted.

Mr. Thompson of L. moved further to amend as follows: Provided, also that the provisions of this act be extended to the purchasers of school lands in the several counties of this state, which was also adopted.

On motion of Mr. Thompson of L. the rules were suspended and the bill and amendments were considered as engrossed, read a 3d time and passed. Mr. Thompson of L. moved to amend the title by inserting the word "school," which was agreed to.

Mr. Sigler from the committee on claims made the following report:

Mr. President—

The committee on claims to which was referred the petition of Franklin Willitts, and others praying relief for J. G. Burch, have had that subject under consideration, and have directed me to report to the Senate that it is inexpedient to legislate on that subject, and ask to be discharged from any further consideration thereof.

The committee was discharged.

On motion of Mr. Moore, the petition was referred to a select committee of Messrs. Moore, Baird, and Chambers.

Mr. Sigler from the the committee on claims made the following report:

MR. PRESIDENT—

The committee on Claims to which was referred the engrossed bill of the House, No. 281, for the relief of Valzel, Clark & Whitcomb, and Clark & Company, have had the same under consideration, and directed me to report said bill back to the Senate without amendment, and recommend its passage.

On motion of Mr. Sigler, the rules of the Senate were suspended, the bill was read a 3d time and passed.

Mr. Colerick from the committee on the Canal Fund, made the following report:

MR. PRESIDENT—

The committee on the Canal Fund, to whom was referred the bill of the House, No. 230, entitled an act for the relief of John Bennett, have had the same under consideration, and directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Colerick moved to amend the bill by striking out the sum therein named and inserting another, which was adopted. Mr. Colerick moved to suspend the rules of the Senate, consider the amendment and bill as engrossed and read it a 3d time, which was agreed to, the bill was then read a 3d time and passed.

Mr. Thompson of P. from the committee on corporations made the following report:

MR. PRESIDENT—

The committee on corporations to whom was referred a petition praying an act to incorporate the Bailey town and Chicago Turnpike Company, have instructed me to report the following bill in accordance with the prayer of the petitioners.

No. 304, a bill to incorporate the Bailey town and Chicago turnpike company, which was read a 1st time, on motion of Mr. Cathcart the rules of the Senate were suspended, the bill read a 2d time, when Mr. Thompson of P. moved the following amendment, viz:

“The State reserves the right to intersect or cross said road with any State work hereafter to be made, and the navigation of any stream which said road may cross shall not be impaired, and the State reserves the right of improving the navigation of any such stream, in any manner deemed expedient”—which was adopted.

On motion of Mr. Cathcart the rules of the Senate were further suspended and the bill and amendments was considered as engrossed, read a 3d time and passed.

Mr. Watts made the following report from a select committee:

1. PRESIDENT—

The select committee to which was referred a bill of the House, to incorporate the Harrison and Napoleon turnpike company, have directed me to report the same to the Senate, with two amendments, in which they ask the concurrence of the Senate, and ask to be discharged from the further consideration of the same.

The committee was discharged, and the amendments concurred in by the Senate.

Mr. Elliott moved to suspend the rules of the Senate, consider the bill and amendments as engrossed, and read it a 3d time now, which was agreed to, the bill was read a 3d time and passed.

Mr. Terman made the following report from a select committee:

Mr. PRESIDENT—

The select committee to which was referred the petition of Abel Wolverton and others, have had the same under consideration and instructed me to report the following bill:

No. 105, a bill to locate a State road in Vermillion county, which was read a 1st time, and on motion of Mr. Terman, the rules were suspended, and the bill read a 2d time; on motion of Mr. Terman the rules were further suspended, the bill read a 3d time and passed.

Mr. Casey from a select committee made the following report:

Mr. PRESIDENT—

The select committee to which was referred the bill of the House No. 249, have had the same under consideration, and have directed me to report the same back without amendment.

On motion of Mr. Casey, the rules of the Senate were suspended, the bill read a 3d time and passed.

Mr. Ewing moved to suspend the previous orders of the day, in order to obtain leave to introduce a bill entitled a bill to provide for the further improvement of the Michigan Road.

The ayes and noes being demanded on this motion,

Those who voted in the affirmative were,

Messrs. Baird, Bell, Casey, Cathcart, Chambers, Daily, Dobson, Ewing, Green, Hackett, Mitchell, Moore, Morgan of D., Smith, Stewart, Trask, and Walker—18.

Those who voted in the negative were,

Messrs. Beard, Bowen, Bradbury, Clark, Colerick, Crawford, Dunn, Dunning, Elliott, Kennedy, Little, Morgan of R., Mount, Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Watts of D., Watt of U. and Vawter—23.

So said motion was decided in the negative.

The Senate resumed the consideration of the resolution and amendment thereto, which were pending when the Senate adjourned on yesterday, when Mr. Tuley the mover, accepted the proposed amendment as a modification of the original resolution. Whereupon Mr. Smith offered the following as an amendment thereto, viz: "the sum paid and the individual to whom paid and the individual in the employ of the Board," which amendment was adopted, and the resolution as amended was then adopted.

Mr. Thompson of L. moved to take from the table a resolution introduced by himself some days ago, upon the subject of a navigable lock near Delphi, on the Wabash river, and before the question was taken thereon.

On motion, Senate adjourned.

2 o'clock P. M.

Senate assembled.

Mr. Thompson of L. moved to dispense with the previous orders of the day and take up the bill dividing the State into Judicial Circuits, and fixing the times of holding Courts therein, which motion was decided in the affirmative. And on motion of the same gentleman, the Senate resolved itself into a committee of the whole on said bill, Mr. Stanford in the chair.

After some time spent therein, the committee rose and the Chairman reported that the committee had gone through with the bill, and had made several amendments thereto, in which he was instructed to ask the concurrence of the Senate.

The committee was discharged from any further consideration thereof.

And on motion of Mr. Stanford, the bill and amendments were laid on the table.

And on motion, the Senate adjourned.

SATURDAY MORNING, FEB. 3, 1838.

Senate assembled,

Mr. Stanford made the following report from the committee on enrolled bill:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House of Representatives;

No. 105—an act to incorporate the Rockport Steam Mill and Manufacturing Company;

No. 122—an act relative to the county library, of Sullivan county;

No. 159—an act to authorize the election of an additional justice of the peace in Hendricks county;

No. 157—an act changing the name of Edinburgh, in Franklin county;

No. 24—an act to incorporate the Morgan county seminary;

No. 169—a joint resolution relative to the refuse lands on the Wabash river;

No. 177—an act to legalize the proceedings of the board of justices in the county of Decatur;

No. 231—an act authorizing the election of an additional justice of the peace in Clinton township, in Vermillion county;

No. 252—an act for the relief of James Sutfin;

No. 184—an act declaring Turman's creek a public highway;

No. 243—an act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly, and for other purposes;

No. 119—an act to locate a State road from Franklin in Wayne county, to Huntington, on the Wabash and Erie canal;

No. 155—an act to change the name of the town of Carthage, in Harrison county;

And bills of the Senate, to wit:

No. 56—an act to enable the school commissioner of Ripley county to do certain acts;

No. 51—an act to authorize the treasurer of Dearborn county to pay over certain road tax in his hands;

No. 92—an act for the relief of Thomas P. Miller;

No. 99—an act to amend an act to incorporate the Buffalo and Mississippi rail road company, and find them truly enrolled.

On motion of Mr. Stanford,

Mr. Mount was added to the committee on enrolled bills.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has concurred in the amendment of the Senate, to the engrossed bill of the House of Representatives, entitled.

No. 119—an act locate a State road from Franklin, in Wayne county, thence to the town of Huntington, on the Wabash and Erie canal.

The House of Representative has also passed an engrossed bill thereof, entitled,

No. 135—an act regulating descents, distribution and dower; in which the concurrence of the Senate is requested.

The speaker of the House of Representatives having signed enrolled bills, entitled, [of the Senate,]

No. 36—an act to incorporate the Greenville seminary, in Floyd county;

No. 49—an act to legalize the sale of the school section of congressional township No. 3, north of range 8 east, in Scott county.

No. 74—a memorial and joint resolution relative to the public lands in the State of Indiana;

Fo. 104—an act to locate a State road from Salem, in Washington county, to Charlestown, in Clark county;

No. 103—an act for the relief of Isaac Kimberlin; and

No. 116—an act to appropriate a part of the three per cent. fund, in the county of Morgan.

And of the House of Representatives, entitled,

No. 74—an act declaring a certain name a misprint;

No. 204—an act to amend an act, entitled, an act to provide for draining Lost creek, in Vigo county, approved Jan. 21, 1837.

I am directed to bring them to the Senate for the signature of the president thereof.

No. 135—a bill of the House, entitled, a bill regulating descents, distribution and dower, in the message mentioned, was read a first time.

Mr. Clark moved to suspend the rules of the Senate, and read the bill a second time; agreed to.

The bill was read a second time, and

On motion of Mr. Thompson of L.,

Was committed to a committee of the whole Senate, and made the special order of the day for Monday next.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives, to inform the Senate that the House has passed engrossed bills thereof, entitled as follows, to wit:

No. 91—a bill providing for the safety of stage passengers;

No. 236—a bill relating to the office of school commissioner in certain counties, in which the concurrence of the Senate is most respectfully requested.

No. 91—a bill of the House in the message mentioned, entitled, a bill providing for the safety of stage passengers, was read a first time, and—

On motion of Mr. Dunn,

The rules of the Senate were suspended, the bill read a second time, and

On motion of Mr. Dunn,

Committed to the committee of the whole Senate, and made the order of the day for Monday next.

No. 236—of the message, entitled a bill relating to the office of school commissioner in certain counties, was read a first time.

On motion of Mr. Dobson,

The rules of the Senate were suspended, the bill read a second time, and

On motion of Mr. Dobson,

Referred to the committee on education.

The following message was received from the House of Representatives, by Mr. Haymond, a member:

Mr. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate that the House has concurred in the amendment of the Senate to bills of the House,

No. 3—an act to amend the act incorporating the Aurora and Napoleon turnpike company, and to legalize the proceedings of the board of directors of said company;

No. 102—an act establishing temporarily a court house in the county of Lake, and for other purposes;

No. 109—a joint resolution on the subject of a western armory.

The House of Representatives has passed an engrossed bill of the Senate, entitled,

No. 106—an act to amend the charter of the Borough of Vincennes, without amendment.

The following message was received from the House of Representatives by Mr. Lee, a member:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, entitled,

No. 277—An act to change the character of a part of the Madison and Lafayette road, in which the concurrence of the Senate is requested.

The bill named in the message No. 277, entitled "an act to change the character of a part of the Madison and Lafayette road," was read a first time, and

On motion of Mr. Moffitt the rules of the Senate were suspended and the bill read a second time.

Mr. Walker moved the following amendment to the bill as an additional section, viz: "That the Board of Public Works are hereby empowered and required to locate that part of said road between Vernon and Indianapolis on the nearest and best ground, without any reference to any intermediate point or points;"

And on the question, "shall the amendment be adopted?" the Senate decided in the negative.

Mr. Smith moved to amend the bill by striking it out from the enacting clause, and to insert the following:

Sec. That the character of the road from Madison in Jefferson county via Indianapolis in Marion county to Lafayette in Tippecanoe county, be and the same is hereby changed from that of a rail road to that of a McAdamized road of a similar quality of that of the New Albany and Vincennes Turnpike, and that it shall be the duty of the State Board of Internal Improvement, to cause said road to be constructed accordingly: *Provided*, That on any portion or portions of said road where stone for McAdamizing cannot be procured within a reasonable distance, the Board shall at their option adopt some cheaper plan of constructing said road, either with gravel or by laying a transverse grillage of hewn timber or by wood paving, or on any other suitable plan, as to them may seem best for the interest of the State.

Sec. It shall be the duty of said Board to make all such arrangements in regard to minor changes of route, compounding or modifying contracts, disposing of materials, and all other matters connected with this change, as the interest of the State may seem to them to require.

Mr. Kennedy called for a division of the question on striking out.

Mr. Kennedy moved to amend the bill by striking out all of the 4th section; which was not agreed to.

Mr. Thompson of L., moved the following amendment.

Sec. That that part of the New Albany and Crawfordsville road, which lies between New Albany and Bedford, be and the same is hereby changed to a single track rail road, with turnouts; and it shall be the duty of the Board of Public Works to construct the same upon the same plan as the road from Madison to Indianapolis.

And on the question, "shall the amendment be adopted?"

The ayes and noes being called—

Those who voted in the affirmative were,

Messrs. Chambers, Colerick, Crawford, Dailey, Dobson, Dunn, Dunning, Ewing, Hackett, Kennedy, Sigler, Thompson of Johnson, Thompson of L., Tuley, and Vawter—15.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Casey, Cathcart, Clark, Elliott, Green, Hoagland, Little, Mitchell, Moffatt, Moore, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Trask, Walker, Watts of D., and Watt of U.—29.

So said question was decided in the negative.

Mr. Puett moved the following amendment to the 4th section of the bill, viz: "Provided however, that in no event shall this, or any other of the lines of the public works be entitled to draw, or receive as an appropriation any more than its equal dividend of the amount of mo-

ney as borrowed, taking into consideration the amount as originally appropriated on said line or lines." And on the question, "shall the amendment be adopted?" the ayes and noes being called—

Those who voted in the affirmative were,

Messrs. Baird, Casey, Colerick, Crawford, Dobson, Dunning, Ewing, Finch, Hackett, Kennedy, Little, Morgan of D., Puett, Sigler, Smith, Stafford, Stewart, Thompson of L., Tuley, Watts of D. and Vawter—21.

Those who voted in the negative were,

Messrs. Beard, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Daily, Dunn, Elliott, Green, Hoagland, Mitchell, Moore, Morgan of R., Mount, Stanford, Turman, Thompson of J., Thompson of P., Trask, Walker, and Watt of U.—24.

So said question was decided in the negative.

Mr. Colerick moved to postpone indefinitely the bill and proposed amendments. And the ayes and noes being demanded on this question,

Those who voted in the affirmative were,

Messrs. Baird, Brady, Clark, Colerick, Crawford, Kennedy, Thompson of J., and Vawter—8.

Those who voted in the negative were,

Messrs. Beard, Bell, Bowen, Bradbury, Casey, Cathcart, Chambers, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts, and Watt—39.

So said bill and proposed amendments were not indefinitely postponed.

Mr. Sigler moved to commit the bill and proposed amendments to a select committee of one from each judicial circuit;

Which was not agreed to.

Mr. Kennedy moved the following amendment to the bill: "And that the sum of two hundred thousand dollars out of the original appropriation on the Central canal be, and the same is hereby appropriated, to be expended in putting under contract and in constructing the northern end or portion of the Central canal; which said canal shall be permanently located north of Indianapolis, to the point where it will intersect the Wabash and Erie canal, as early during the ensuing season as is practicable."

Mr. Trask moved to amend the amendment as follows:

"And the letting shall be as near the northern extremity of said canal as is practicable;"

Which amendment was accepted by Mr. Kennedy as a modification of his proposed amendment.

Mr. Dobson moved the following as an amendment to the amendment: "also to permanently locate that part of said canal between Indianapolis and the junction of the Cross-cut with the Central canal, and put an equal proportion of the same under contract, and one hundred and fifty thousand dollars out of the original appropriation is hereby made for the completion of the same;"

Which was adopted.

Mr. Stafford moved further to amend the proposed amendment of Mr. Kennedy, by adding to it the following:

"And that the sum of \$200,000 in addition to the appropriation already made, shall be expended, during the ensuing summer, on that part of the Central canal south of Indianapolis, which lies between the Bluffs of White river and Martinsville in Morgan county."

Which proposed amendment was consented to.

The question then recurring upon the amendment as amended, and the ayes and noes being requested thereon—

Those who voted in the affirmative were,

Messrs. Baird, Bell, Colerick, Crawford, Dobson, Dunning, Ewing, Finch, Kennedy, Puett, Sigler, Stafford, Stewart, Turman, Thompson of L., Thompson of P., Trask, Walker, and Vawter—19.

Those who voted in the negative were,

Messrs. Beard, Bowen, Bradbury Brady, Casey, Chambers, Clark, Daily, Dunn, Elliott, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Stanford, Thompson of J., Tuley, Watts, and Watt—25.

So said question was decided in the negative.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The following message was received from the House of Representatives by Mr. Glenn, a member:

MR. PRESIDENT—

The House of Representatives have reciprocated the resolution of Senate, fixing on the 19th day of February instant, as the time for an adjournment *sine die*.

The following message was received from the House of Representatives by Mr. Glenn, a member:

Mr. President—

I am directed by the House of Representatives to inform the Senate that the House has adopted the following resolution, to wit:

Resolved, That the thanks of this General Assembly be, and the same are hereby presented to the Hon. Judges of the Supreme Court of this State, for services performed by them, in revising the laws according to the request of the last General Assembly; and that the Senate be requested to reciprocate this resolution;

In which the concurrence of the Senate is respectfully requested.

Mr. Thompson of L., moved a call of the Senate; which was agreed to.

Mr. Thompson of L., moved to suspend the further prosecution of the call of the Senate; which motion was assented to;

Mr. Thompson of L., moved to lay the message, pending when the Senate last adjourned, upon the table;

Which motion was decided in the affirmative.

Mr. Thompson of L., moved that the message last received from the House of Representatives be now laid before the Senate;

Which was consented to.

The message being taken up, Mr. Elliott moved to reject the resolution therein contained; which motion was not agreed to.

On motion of Mr. Thompson of P., the resolution was laid upon the table.

Mr. Thompson of L., moved to take from the table the message which was pending at the last adjournment of the Senate and which, on his motion, had been a short time since laid on the table;

Which motion was consented to.

The senate then resumed the consideration of the bill named in said message.

Mr. Clark moved to reconsider the vote taken in the forenoon of to-day on the motion of Mr. Kennedy, to strike out the fourth section of the bill.

On this question the ayes and noes being requested—

Those who voted in the affirmative were,

Messrs. Bell, Bradbury, Brady, Clark, Colerick, Crawford, Dunn, Dunning, Elliott, Kennedy, Little, Mitchell, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Stanford, Thompson of L., Watt, Vawter—21.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Casey, Cathcart, Chambers, Daily, Dobson, Ewing, Finch, Green, Hackett, Hoagland, Moffitt, Moore, Puett, Smith, Stewart, Turman, Thompson of J., Thompson of P., Trask, Tuley, Walker, and Watt—25.

So said vote was not reconsidered.

Mr. Kennedy moved the following amendment to the 4th section of

the bill "Provided that the Board of Internal Improvement are hereby directed to make no additional lettings on the southern end of said road until the next meeting of the General Assembly;"

Which said amendment was not adopted.

Mr. Ewing moved the following amendment as additional sections to the bill, viz:

SEC. 1. And that the board of public works be, and they are hereby directed to cause to be improved at as early a day as may be consistent with the public interest, during the ensuing season, such parts of the Michigan road north of Napoleon in Ripley county to Michigan City in Laporte county, as are in the greatest need of repair, embracing such parts of those sections which are reported by Mr. Adams in his late report as being in the greatest need of repair, and as being the worst portions of said road, either in the manner prescribed in said report or in any other manner that said board of internal improvement may deem best calculated to advance the public good and the interest of the state in point of durability and cost of construction.

SEC. 2. To carry into effect the provisions of this act the board of fund commissioners are hereby authorized to borrow the sum of one hundred thousand dollars in the same manner and on the same terms that they are authorized to procure funds for the construction of the public works of internal improvement as authorized by the provisions of an act of the General Assembly, entitled an act to provide for a general system of internal improvement, approved Jan. 27, 1836.

SEC. 3. Said board are hereby authorized and directed to locate said road permanently through the town of Logansport in Cass county.

Mr. Elliott moved to amend the amendment by striking out the word "Napoleon," whenever it occurs, and insert the word "Indianapolis."

Mr. Green called for a division of the question; and upon the question of striking out, the ayes and noes being requested,

Those who voted in the affirmative were,

Messrs. Beard, Bradbury, Clark, Elliott, Kennedy, Stafford, Stanford, Thompson of J., and Watt of U.—9.

Those who voted in the negative were,

Messrs. Baird, Bell, Bowen, Brady, Casey, Cathcart, Chambers, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stewart, Turman, Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D., and Vawter—37.

So said motion to strike out failed.

The question then recurring upon the adoption of Mr. Ewing's amendment, and the ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Baird, Bradbury, Cathcart, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Ewing, Finch, Hackett, Hoagland, Morgan of D., Morgan of R., Smith, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker and Vawter—24.

Those who voted in the negative were,

Messrs. Beard Bell, Bowen, Bradbury, Casey, Chambers, Clark, Elliott, Green, Kennedy, Little, Mitchell, Moffitt, Mount, Puett, Sigler, Stafford, Stanford, Stewart, Watts of D., and Watt of U.—22.

So said question was decided in the affirmative.

Mr. Dunning offered the following amendment as an additional section to the bill, viz:

That the board of internal improvement shall early the ensuing spring be required to place under contract so much of the Jeffersonville and Crawfordsville McAdamized road as will place it upon an equality with the other public works now under contract in the state, taking into consideration the amount of the appropriation made to said road by virtue of an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836.

Mr. Thompson of L. moved to amend the amendment as follows, viz:

"And that the board of internal improvement be instructed to change that part of said road which lies between New Albany and Bedford to a single track rail road, and construct the same upon a plan similar to that from Madison to Indianapolis;" and upon the question, shall the amendment be adopted? the ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Hackett, Kennedy, Sigler, Thompson of J., Thompson of L., Tuley, Walker, Watt of U. and Vawter—23.

Those who voted in the negative were,

Messrs. Bell, Casey, Finch, Green, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Trask, and Watts of D.—20.

It was decided in the affirmative.

Mr. Cole moved a call of the Senate, which was ordered.

On motion the further call of the Senate was suspended.

Mr. Cathcart moved to amend the amendment as follows, viz:

"That should the state board of internal improvement, determine to place any portion of the public works under contract previous to the next meeting of the General Assembly, that such portion of the northern or Fort Wayne and Michigan canal shall be placed under contract, as at least shall be fairly proportioned to the estimated cost of the said work, as compared with the whole estimated cost of all the public works under their charge, except the Wabash and Erie canal proper, and the amount or sum total of such contracts as may be let within the time above specified."

And on the question shall the amendment to the amendment be adopted? The ayes and noes being requested,

Those who voted in the affirmative were,

Messrs. Baird, Bowen, Casey, Cathcart, Clark, Colerick, Crawford, Dobson, Dunning, Ewing, Kennedy, Sigler, Thompson of L., Trask, Walker, Watts of D. and Vawter—17.

Those who voted in the negative were,

Messrs. Beard, Bell, Bradbury, Brady, Chambers, Cole, Daily, Dunn, Elliott, Finch, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of P., Tuley, and Watt of U.—29..

And so said amendment was not adopted.

Mr. Kennedy moved further to amend the amendment by adding to it the following, viz:

"That the treasurer of state be authorized and he is hereby instructed to subscribe on behalf of the state for the amount of one hundred thousand dollars in stock in the Winchester and Greenville Turnpike company," and on the question of its adoption, the Senate decided in the negative.

Mr. Bowen moved further to amend the amendment as follows, viz;

"That the board be requested to put under contract early the ensuing spring so much of the Wabash and Erie canal, as lies between Lafayette and Terre-Haute, so as to put it upon an equal footing with the other public works of the state;"

And on the question, shall the amendment to the amendment be adopted? it was decided in the negative.

Mr. Walker moved further to amend the amendment as follows, viz:

"That fifty thousand dollars of the thirteen hundred thousand originally appropriated on said road is hereby appropriated to construct a lateral road of the character of the main line from Shelbyville to the most convenient point on said road, and that the state revenue of Shelby county be applied to defray the interest on said fifty thousand dollars,"

And on the question, shall the amendment to the amendment be adopted? it was determined in the negative.

Mr. Cole moved further to amend the amendment by adding the following, viz:

"Also to locate the Central canal north of Indianapolis by the way of Noblesville in the county of Hamilton, and Andersonstown in the county of Madison, thence on the Pipe creek route to the Mississinewa river, thence to the most eligible point on the Wabash and Erie canal; and that the board of internal improvement be instructed to locate and put a portion of said canal (to the amount of three hundred thousand dollars) under contract as early as practicable the ensuing season.

And upon the question, shall it be adopted? it was determined in the negative.

The question then recurring upon the original amendment of Mr. Dunning as amended by Mr. Thompson of L.

And the ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Cathcart, Chambers, Clark, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Ewing, Hackett, Kennedy, Sigler, Stafford, Thompson of J., Thompson of L., Trask, Tuley Walker, Watt of U., and Vawter—24.

Those who voted in the negative were,

Messrs. Bell, Bradbury, Brady, Casey, Cole, Elliott, Finch, Green, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Smith, Stanford, Stewart, Turman, Thompson of P. and Watts—22.

So said amendment as amended was adopted.

The question then recurring, on the first branch of the motion of Mr. Smith, to-wit: on striking out the bill of the House as amended, and the ayes and noes being registered thereon by two members;

Those who voted in the affirmative were,

Messrs. Bell, Bowen, Bradbury, Casey, Colerick, Daily, Elliott, Finch, Green, Hoagland, Kennedy, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Stanford, Stewart, Thompson of P., Trask, Watts of D., and Watt of U.—25.

Those who voted in the negative were,

Messrs. Baird, Beard, Brady, Cathcart, Chambers, Clark, Crawford, Dobson, Dunn, Dunning, Ewing, Hackett, Little, Sigler, Turman, Thompson of J., Thompson of L., Tuley, Walker and Vawter—20.

And so said bill was stricken out.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. President—

The House of Representatives has passed engrossed bills thereof, entitled,

No 266—An act authorizing Arthur McClure to build a bridge across the Grand Calumet river; and,

No. 278—An act for the suppression of professional gambling.
In which the concurrence of the Senate is requested.

On motion the Senate adjourned.

MONDAY MORNING, FEB. 5, 1838.

Senate assembled.

The President laid before the Senate a communication from the State Board of Internal Improvement in answer to a resolution of the Senate, relative to the Jeffersonville and Crawfordsville road;

On motion of Mr. Thompson of L., laid on the table and 500 copies ordered to be printed.

OFFICE OF THE STATE BOARD OF INTERNAL IMPROVEMENT, }
February 3d, 1838. }

To the Honorable the Senate of Indiana:

In obedience to a resolution of the Senate of the 31st ultimo, the State Board of Internal Improvement, herewith transmit a copy of the instructions of the Board to the acting commissioner of the Jeffersonville and Crawfordsville road, relative to the arrangement authorized by the act of the 27th January 1836, with the Salem and Ohio Turnpike Company; together with a copy of the relinquishment by the said company to the State, and of the contract on the part of the State with said company; which papers will show the entire arrangement.

Respectfully submitted,

THOS. H. BLAKE,

President *pro tem.* of the Board.

No. 1.

Copy of the order of the State Board of Internal Improvement, authorizing a contract with the Salem and Ohio Turnpike Company.

Resolved, That the acting commissioner on the Jeffersonville and Crawfordsville road be, and he is hereby authorized to make the following arrangements with the Salem and Ohio Turnpike Company, to wit:

That the Company relinquish to the State, the charter granted by the act

of the 24th January 1835, for the construction of a turnpike road from Salem to the Ohio river, reserving only the right to construct a road from Jeffersonville to intersect the Jeffersonville and Crawfordsville road, at a point to be designated, about nine miles north of New Albany; and that they transfer to the State all the rights and privileges which have in any manner accrued to said company in virtue of said charter, except on the portion of road aforesaid; and that in consideration thereof the acting commissioner agrees to pay to said company the value of the grubbing, excavation, and embankments of said Salem and Ohio Turnpike Road, so far as the same may be covered by the Jeffersonville and Crawfordsville Road when finally located, as soon as an estimate shall be made by the Resident Engineer on said line and be approved by said acting commissioner and the Principal Engineer of this State.

Resolved further, That on such arrangements being made, the said acting commissioner shall proceed without delay to have the necessary maps, profiles and estimates made for the letting of the said Jeffersonville and Crawfordsville road, from New Albany to Salem, by way of Providence.

Adopted by State Board of Internal Improvement, 9th January 1838.

J. MORRISON, Secretary.

No. 2.

Copy of the Salem and Ohio Turnpike Company's relinquishment to the State.

At a meeting of the President and Directors of the Salem and Ohio Turnpike Company at Salem, on the 24th day of January, 1838,

Present, James Weir, President; Henry Young, David G. Campbell, Charles May, and John Kingsbury, Directors.

John Kingsbury was appointed Secretary pro tem.

The following preamble and resolution were reported, to wit:

Whereas, by an act entitled, "an act to provide for a general system of Internal Improvement," approved January 27, 1836, a State Board of Internal Improvement was constituted, and it was provided by said act, that if upon a re-survey of the Jeffersonville and Crawfordsville road, it should be found impracticable to construct a Rail-road, the said Board was authorized to construct a McAdam Road on said route, and in that event said Board should commence said road at Salem, or make such arrangements with the Salem and Ohio Turnpike Company, as should be deemed consistent with the interest of the State.

And upon a re-survey of said route, said Board resolved that it was impracticable to construct a Rail-way on said route, and not further resolve that said road should be a McAdamized turnpike road.

And it was further resolved by said Board, on the 9th day of January, 1838, that the acting commissioner on the Jeffersonville and Crawfordsville road, be authorized to make the following arrangements with the Salem and Ohio Turnpike Company, to wit: that the company relinquish to the State the charter granted by the act of the 24th of January, 1835, for the construction of a turnpike road from Salem to the Ohio river, reserving only the right to construct a road from Jeffersonville to intersect the Jeffersonville and Crawfordsville road, at a point to be designated, about nine miles north

of New Albany; and (that) they transfer to the State all the rights and privileges which have in any manner accrued to said company, in virtue of said charter, except on the portion of road aforesaid; and that in consideration thereof, the acting commissioner agreed to pay to said company, the value of grubbing, excavation and embankments of said Salem and Ohio Turnpike Company, so far as the same may be covered by the Jeffersonville and Crawfordsville Road, when finally located, as soon as an estimate shall be made by the Resident Engineer on said line, and to be approved by said Acting Commissioner and the Principal Engineer of this State.

Now, therefore, be it resolved, by the President and Directors of said Company, that they relinquish to the State of Indiana, for and in consideration of the agreement of the said acting commissioner, as such, bearing even date herewith, to pay said company according to said order of said Board of Internal Improvement, the said charter, and all the rights and privileges accruing therefrom to said company, or arising in virtue thereof, by purchase, relinquishment, donation or otherwise, except the right to construct that portion of said road from Jeffersonville, to intersect the said Jeffersonville and Crawfordsville road, at a point therein to be designated, about nine or ten miles from New Albany.

(Test,) JOHN KINGSBURY, Sec'y pro tem.
JAMES WEIR, President.

I, the undersigned, Secretary pro tem. of the Salem and Ohio Turnpike Company, certify that the foregoing is a copy of the proceedings of the Salem and Ohio Turnpike Company, of the 24th of January, 1838.

Given under my hand and the seal of said company, a scroll being adopted as such, this 24th of January, 1838.

Signed, JOHN KINGSBURY, [SEAL.]

No. 3.

Copy of Contract between the State and the Salem and Ohio Turnpike Company.

Whereas, by an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, a State Board of Internal Improvement was constituted by the General Assembly of the State of Indiana.

It was further provided by said act, that if, upon a re-survey of the Jeffersonville and Crawfordsville Road, it should be found impracticable to construct a rail road on said route, the Board should construct a McAdamized road; and then and in that event, said Board should either commence said road at Salem, or make such arrangements with the Salem and Ohio Turnpike Company, as might be deemed consistent with the interest of the state. And upon a re-survey of said route, said Board resolved, that it was impracticable to construct a railway thereon, and further resolved, that said road should be a McAdamized Turnpike Road.

And it was further resolved by said Board, on the 9th day of January, 1838, that the acting commissioner on the Jeffersonville and Crawfordsville Road be authorized to make the following arrangements with the said Salem

and Ohio Turnpike Company, to-wit: That the company relinquish to the state the charter granted, by the act of the 24th of January, 1835, for the construction of a turnpike road from Salem to the Ohio river, reserving only the right to construct a road from Jeffersonville to intersect the Jeffersonville and Crawfordsville road, at a point to be designated about 9 miles north of New Albany; and that they transfer to the state, all the rights and privileges which have in any manner accrued to said company, in virtue of said charter, except the portion of road aforesaid, and that in consideration thereof, the acting commissioner agree to pay said company, the value of the grubbing, excavations and embankments of the said Salem and Ohio company, so far as the same may be covered by the Jeffersonville and Crawfordsville road, when finally located, as soon as an estimate should be made by the Resident Engineer on said line, and to be approved by the acting commissioner, and the Principal Engineer of this state.

And whereas, by an order of the President and Directors of said company, passed on the 24th day of January, 1838, the said company relinquished unto the State of Indiana, its charter, and the rights and privileges accruing therefrom to said company, or arising in virtue thereof, either by purchase, relinquishment, derivation or otherwise, except the right to construct that part of said road from Jeffersonville to intersect the said Jeffersonville and Crawfordsville road, at a point to be designated thereon, about nine or ten miles north of New Albany.

Now therefore, be it known, that I David H. Maxwell, Acting Commissioner of the said Jeffersonville and Crawfordsville Road, as such commissioner, and in pursuance of the authority vested in me, by said Board of Internal Improvement, for and in consideration of said relinquishment on the part of said company, do hereby agree to pay any person authorized by said company, with power to receive and receipt therefor, the value of the grubbing, excavation and embankments of said Salem and Ohio Turnpike, so far as the same may be covered by the Jeffersonville and Crawfordsville road, when finally located, as soon as an estimate shall be made by the Resident Engineer on said line, and to be appraised by said Acting Commissioner and the Principal Engineer of this state.

(Signed,)

D. H. MAXWELL, Acting Comm'r.
Jeffersonville and Crawfordsville Road.

Mr. Crawford presented a petition from O. Beardsley and others, praying the vacation of a certain state road therein named;

Referred to Messrs. Crawford, Colerick, Cathcart and Baird.

Mr. Thompson of L. from the committee of revision, reports:

No. 306, a bill to organize probate courts, and defining the powers and duties of executors, administrators and guardians;

Read a 1st time, and on motion of Mr. Thompson of L., the rules were suspended, the bill read a 2d time and referred to a committee of the whole and made the order of the day for to-morrow.

Mr. Finch from the committee on revision, reports the following bills:

No. 307, a bill for the incorporation of public libraries;

Read a 1st time, and on motion of Mr. Finch, the rules were suspended and read a 2d time, and referred to a committee of the whole and made the order of the day for to-morrow.

No. 308, a bill for the incorporation of county libraries;

Read a 1st time, and on motion of Mr. Finch, the rules were suspended and read a 2d time, and referred to a committee of the whole and made the order of the day for to-morrow.

No. 309, a bill for the incorporation of agricultural societies;

Read a 1st time, and on motion of Mr. Finch, the rules were suspended and read a 2d time;

On motion of Mr. Clark, referred to a committee of the whole and made the order of the day for to-morrow.

On motion of Mr. Morgan of R., the rules were suspended and he obtained leave to introduce the following resolution:

Resolved, That after this day, the Senate will not act, during the present week, after 10 o'clock, A. M., on any other business than the revision of the laws;

Which was agreed to.

Leave being granted, Mr. Moffitt introduced,

No. 310--An act to incorporate the town of Ferre Haute;

Read 1st time, and on motion of Mr. Moffitt, the rules were suspended, and the bill read a 2d time and referred to a select committee of Messrs. Moffitt, Smith and Morgan of R.

On motion of Mr. Dunning, the rules were suspended and bill No. 277 of the House, relative to the Madison and Lafayette road, was taken up;

Mr. Clark moved to strike out from the words "character of" and insert as follows:

So much of the Madison and Lafayette rail road as lies between Indianapolis and Lafayette be, and the same is hereby changed from that of a rail road to that of a McAdamized road, and two hundred and fifty thousand dollars of the original appropriation of thirteen hundred thousand dollars heretofore appropriated on said rail road, be and the same is hereby appropriated on that part of said road, hereby declared a McAdamized road, to be applied to the construction thereof, under the direction of the Board of Internal improvement.

SEC. The Board of Internal Improvement shall lay down, on so much of said road as lies between Madison and Indianapolis a superstructure of a single track rail road only, with suitable turnouts, until the further action thereon.

SEC. The Board of Internal Improvement in constructing said single track rail road shall employ, either the T rail or the flat bar iron, as in their opinion, taking all the circumstances of the case into consideration, the interests of the state may require.

SEC. Nothing in this act shall be so construed as to make any additional appropriations of money on said Madison and Lafayette rail road, and the Board of Internal Improvement are hereby instructed to let no contracts on said road, which will exceed the amount of the original appropriation on the Madison and Lafayette rail road, deducting from said appropriation the amount by this act directed to be expended on the McAdamized road.

This act to take effect and be in force from and after its passage,

A division being called for, the question was, shall the amendment of the Senator from Ripley be stricken out?

The ayes and noes being called,
On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled.

The bill and amendments relative to the Madison and Lafayette rail road, pending on adjournment, was again taken up;

The question was on striking out;
The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Hoagland, Kennedy, Little, Mount, Sigler, Thompson of J., Thompson of L., Watt of U. and Vawter—22.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Chambers, Daily, Dobson, Ewing, Finch, Green, Hackett, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Trask, Tuley, Walker and Watts of D.—24.

So said amendment was not stricken out.

Mr. Colerick moved that the Senate adjourn; which was negatived.
The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Colerick, Crawford, Dunn, Elliott, Kennedy, Little, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Watt of U., and Vawter—22.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Cole, Daily, Dobson, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker, and Watts of D.—25.

Mr. Vawter moved to refer the bill and amendments to a select committee;

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Kennedy, Little, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter—22.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Chambers, Daily, Dobson, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, and Watts of D.—25.

So it was not referred.

Mr. Kennedy moved that the Senate adjourn;

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Kennedy, Little, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter—23.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Daily, Dobson, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker and Watts of D.—24.

So the Senate did not adjourn.

Mr. Vawter moved to amend by inserting the following:

SEC. That the board of internal improvement shall cause said McAdamized road, to be located along and upon the present state road leading from Madison through Vernon, Columbus and Franklin, to Indianapolis, making such minor changes only, as may promote the public interest, having a due regard to the cheapness and durability of said road when constructed.

Mr. Sigler moved to refer the amendments to a select committee of one from each judicial circuit;

Mr. Smith proposed to instruct the committee to report instantler, amended with the pending amendments;

Mr. Vawter moved that the Senate adjourn;

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Hoagland, Kennedy, Little, Mount,

Sigler Stafford, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter—23.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Chambers, Daily, Dobson, Dunning, Ewing, Finch, Green,, Hackett, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker and Watts of D.—24.

So the Senate did not adjourn.

Mr. Bell then moved that the Senate adjourn.

The ayes and noes being called—

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Hoagland, Kennedy, Little, Mount, Sigler, Stafford, Stanford, Thompson of Johnson, Thompson of L., Watt of U. and Vawter—24.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Daily, Dobson, Dunning, Ewing, Finch, Green, Hackett, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker, and Watts of D.—23.

So the Senate adjourned.

A

TUESDAY MORNING, FEB. 6, 1838.

Senate assembled.

Mr. Beard from the committee on the State Bank reports:

MR. PRESIDENT—

The committee on the State Bank to which was referred the petition of Joseph Grantham and others of Carroll county, praying for an increase of bank capital within the state, have according to order, had the same under consideration, and a majority of the committee are of the opinion the prayer of the petitioners is reasonable, and report a bill herewith, for the purpose for increasing the banking capital within the state:

No. 311, a bill for providing means by additional State Bank stock for liquidating interest on the internal improvement loans of the state.

Read a 1st time, and on motion of Mr. Tuley, the rules were suspended and the bill read a 2d time.

Mr. Morgan of R. moved to refer it to a select committee.

Mr. Colerick moved that the select committee be composed of one from each judicial circuit; which was agreed to.

On the question, shall the bill be so referred? the Senate decided in the affirmative.

Mr. Beard from the committee on roads reports:

Mr. PRESIDENT—

The committee on roads to whom was referred a bill No. 218, to provide for opening and repairing public roads and highways in the county of Gibson, have according to order, had that subject under their consideration and directed me to report the same without amendment, and ask to be discharged from the further consideration of the same.

On motion of Mr. Stewart, the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of P. from the committee on corporations reports:

Mr. PRESIDENT—

The committee on corporations to whom was referred a bill of the House of Representatives, No. 72, entitled a bill to incorporate the town of Paoli, in Orange county, have instructed me to report the same without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Chambers the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of P. from the same committee reports:

Mr. PRESIDENT—

The committee on corporations, to whom was referred a bill of the House, No. 280, entitled a bill to incorporate the Elizabeth Steam Mill, Ship Yard, and Manufacturing Company, have instructed me to report it to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Thompson of P. the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of P. from the same committee again reports:

MR. PRESIDENT—

The committee on corporations, to whom was referred a bill of the House of Representatives, No. 178, entitled a bill to incorporate the town of New Boston, in Wayne county, have duly examined and instructed me to report it to the Senate without amendment and ask to be discharged from any further consideration thereof.

The committee were discharged.

On motion of Mr. Elliott, the bill was read a 3d time and passed.

Mr. Thompson of P. from the same committee again reports:

MR. PRESIDENT—

The committee on corporations to which was referred a bill to increase the Capital Stock of the Lawrenceburgh Bridge Company, &c. have had that subject under consideration, and find by an examination of the charter of said Company, that said Bridge is to be the property of the county of Dearborn, after the profits are sufficient to refund the original capital with ten per cent. on the same; and said committee not knowing how the accounts stand between said company and county, have directed me to report the same to the Senate, and recommend that it remain with the unfinished business, and ask to be discharged from the further consideration of the same.

The committee were discharged.

Mr. Bowen from a select committee, reports:

MR. PRESIDENT—

The select committee to whom was referred an act of the House giving the State of Illinois the right of way, within this State, to connect the Northern Cross Rail Road in Illinois, with the Wabash and Erie Canal at Covington: have had the same under consideration and directed me to report the same with amendments, and ask the concurrence of the Senate.

The amendments were concurred in.

On motion of Mr. Bowen the rules were suspended, the amendments were considered as engrossed, the bill read a 3d time and passed.

Mr. Crawford from a select committee, reports:

MR. PRESIDENT—

The select committee to which was referred a joint resolution of the House of Representatives, No. 257, on the subject of a donation of public lands on the Erie and Michigan Canal, have according to order, had that subject under consideration, and have directed me to report the joint resolution back without amendment, and ask to be discharged from any further consideration of that subject.

The committee were discharged.

On motion of Mr. Crawford it was read a 3d time, the rules being suspended and passed.

Mr. Dunning from the committee on corporations, reports:

Mr. PRESIDENT—

The committee on corporations to whom was referred an engrossed bill of the House No. 81, entitled an act to incorporate the town of Martinsville in Morgan county, have had the same under consideration and have directed me to report it back to the Senate without amendment and ask to be discharged from any further consideration thereof.

The committee were discharged.

On motion of Mr. Dunning the rules were suspended, the bill read a 3d time and passed.

Mr. Dunning from the same committee, reports,

Mr. PRESIDENT—

The committee on corporations to whom was referred an engrossed bill of the House No. 267, entitled an act to incorporate the Indiana Manufacturing Company, have had the same under consideration, have made one amendment thereto, in which I am instructed to ask the concurrence of the Senate, and the committee ask to be discharged from any further consideration thereof.

The committee were discharged.

The Senate concurred in the amendment.

On motion of Mr. Dunning, the rules were suspended, the amendments were considered as engrossed, read a 3d time and passed.

Mr. Dunning from the same committee further reports,

Mr. PRESIDENT—

The committee on corporations to whom was referred an engrossed bill of the House No. 211, entitled an act to incorporate the Crawfordville and Williamsport turnpike company, have had the same under consideration, made sundry amendments thereto, and have directed me to report the same back to the Senate, and ask their concurrence in said amendments, and ask to be discharged from any further consideration thereof.

The committee were discharged.

The amendments were concurred in severally.

On motion of Mr. Beard, the rules were suspended, the amendments considered as engrossed, read a 3d time and passed.

Mr. Sigler from the committee on claims, reports:

Mr. PRESIDENT—

The committee to which was referred the bill of the House, No. 258, for the relief of the Collector of Jay county, have had that subject un-

der consideration and directed me to report the bill back to the Senate without amendment, and ask to be discharged.

The committee were discharged.

On motion of Mr. Trask, the rules being suspended, the bill was read a 3d time and passed.

Mr. Stanford from a select committee, reported that the select committee to which was referred a bill of the House No. 160, that they have had the same under consideration, made one amendment thereto, in which they ask the concurrence of the Senate.

The amendment was concurred in.

On motion of Mr. Stanford the rules were suspended the bill as amended considered as engrossed, and read a 3d time and passed.

Mr. Sigler from the committee on claims, reports:

Mr. PRESIDENT—

The committee on claims, to which was referred a bill of the House, No. 258, for the relief of the collector of the county of Jay, have had the same under consideration, and directed me to report the same back without amendment, and ask to be discharged from the further consideration thereof. The committee were discharged.

On motion of Mr. Sigler,

The rules were suspended, the bill read a third time, and passed.

Mr. Cathcart, from a select committee, reports,

Mr. PRESIDENT—

The select committee to whom was referred the bill of the House of Representatives, No. 89, entitled, an act organizing Jasper county, have have had the same under consideration, and have directed me to report one amendment, in which the concurrence of the Senate is respectfully requested. The amendment was concurred in.

On motion of Mr. Cathcart,

The rules were suspended, the bill as amended considered as engrossed, read a third time and passed.

Mr. Thompson of P., from a select committee, reports,

That the select committee to which was referred the petition of certain citizens of Crawford county, paying a specific appropriation of a part of the three per cent. fund of said county, have instructed me to report the following bill:

No. 312—a bill to appropriate a part of the three per cent. fund of Crawford county; read a first time.

On motion of Mr. Thompson of P.,

The rules were suspended, the bill was read a second and third time and passed.

On motion of Mr. Thompson of L.,

The Senate resolved itself into a committee of the whole, on bill No. 86, a bill for the support of illegitimate children, Mr. Smith called to the chair,

After some time spent therein, the committee rose, and the chairman reported, that the committee had under consideration the matter referred to it, but not having had time to complete the investigation, they have instructed me to ask leave to sit again. The committee obtained leave.

On motion of Mr. Thompson of L.,

The Senate resolved itself into a committee of the whole, on bill No. 168, a bill regulating the duties and jurisdiction of justices of the peace. Mr. Little called to the chair.

After some time spent therein, the committee rose, and the chairman reported that they had made some progress, but not having sufficient time to complete their consideration on the bill, have directed me to ask leave to sit again. The Senate granted leave.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

On motion of Mr. Clark,

The Senate resolved itself into a committee of the whole, and resumed the consideration of the bill relative to justices of the peace. Mr. Little called to the chair.

After some time spent therein, the committee rose, and the chairman reported that the committee had made several amendments thereto, and asked the concurrence of the Senate. The amendments were concurred in severally.

Mr. Thompson of P. moved to amend, by inserting "that no householders shall be bound to answer to any summons, capias or other process issued by a justice under this act, in civil cases, in any other township than the one in which such defendant may reside, or where the debt was contracted."

Mr. Moore moved to amend the amendment, by striking out the words, "where the debt was contracted."

Mr. Ewing, from the joint committee on enrolled bills, reports,

Mr. PRESIDENT—

The joint committee on enrolled bills, report that they did this day present to his excellency the governor, for his approval and signature, bills of the following titles, to wit:

No. 24—an act to incorporate the Morgan county seminary;

No. 105—an act to incorporate the Rockport steam mill and manufacturing company;

No. 119—an act to locate a State road from Franklin, in Wayne county, to Huntington, on the Wabash and Erie canal;

No. 122—an act relative to the county library, of Sullivan county;

No. 231—an act authorizing the election of an additional justice of the peace in Clinton township, in Vermillion county;

No. 159—an act to authorize the election of an additional justice of the peace in Hendricks county;

No. 177—an act to legalize the proceedings of the board of justices in the county of Decatur;

No. 35—an act to locate a State road from Cambridge City to Fort Wayne;

No. 57—an act for opening and repairing public roads and highways in the county of Hancock;

No. 184—an act declaring Turman's creek a public highway;

No. 99—an act to amend an act, entitled, an act to incorporate the Buffalo and Mississippi rail-road company;

No. 156—an act for the relief of the owners of certain forfeited lands and town lots, in Tippecanoe county;

No. 151—an act changing the name of Edinburgh, in Franklin county;

No. 51—an act to authorize the treasurer of Dearbon county to pay over certain road tax in his hands;

No. 56—an act to enable the school commissioner of Ripley county to do certain acts;

No. 92—an act for the relief of Thomas P. Miller;

No. 252—an act for the relief of James Sutfin;

No. 243—an act to provide for the payment of clerks employed by the revising and investigating committees, during the present session of the General Assembly, and for other purposes;

No. 155—an act to change the name of the town of Carthage in Harrison county; also,

No. 169—a joint resolution relative to refuse lands, on the Wabash river.

On motion, Senate adjourned.

WEDNESDAY MORNING, FEB. 7, 1838.

Senate assembled.

The President announced the following Senators as the committee to which was referred bill 311, on the subject of increasing the capital stock of the State Bank of Indiana:

Messrs. Morgan of R., Colerick, Crawford, Cole, Clark, Sigler, Daily, Casey and Green.

Leave being granted, on motion of Mr. Baird, bill 189, relative to the formation of judicial circuits with amendments, as reported from the committee of the whole;

Mr. Morgan of R. moved to amend further, by attaching the county of Blackford to the county of Grant, for judicial purposes;

Mr. Trask moved to amend the amendment by striking out Grant and inserting Jay; which was accepted.

On the question shall the amendment be adopted? the Senate decided in the affirmative.

The hour having arrived, (in accordance with a resolution adopted by the Senate), to take up bills reported from the committee of revision, Mr. Bell moved that the rules of the Senate be suspended, and the bill now before the Senate be further considered;

Mr. Morgan of R. moved to lay the bills and amendments on the table; which was not agreed to.

Mr. Morgan of R. moved to amend the motion to suspend the rules, by adding "and have leave to take up the bill relative to the Madison and Lafayette road;"

Which was not agreed to.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Daily, Dobson, Dunning, Finch, Green, Hackett, Mitchell, Moffitt, Morgan of D., Morgan of R., Puett, Sigler, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker and Watts of D.—22.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Hoagland, Kennedy, Little, Moore, Mount, Stafford, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter—24.

Mr. Moore moved to re-consider the vote on suspending the rules; Which was agreed to.

The bill and amendments were taken up for further consideration by consent;

The question was on referring it to a select committee of one from each judicial circuit with instructions, &c;

A division being called for, the question was, shall the bill and amendments be referred?

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled,

The bill and amendments pending on adjournment was taken up;

The question on committing the bill and amendments; and on the question, shall the bill and amendments be committed? the Senate decided in the affirmative.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Hoagland, Kennedy, Moffitt, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter—24.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Chambers, Daily, Dobson, Ewing, Finch, Green, Hackett, Little, Mitchell, Moore, Morgan of D., Morgan of R., Puett, Smith, Stewart, Turman, Thompson of P., Trask, Tuley, Walker and Watts of D.—23.

Mr. Kennedy moved to instruct the committee to report back to the Senate the bill amended with the bill as reported from the House.

Mr. Mitchell moved to adjourn.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Daily, Ewing, Finch, Hackett, Mitchell, Morgan of D., Tuley, Walker and Watts of D.—11.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Green, Hoagland, Kennedy, Little, Moffitt, Moore, Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Watt of U. and Vawter—36.

So the Senate did not adjourn.

Mr. Morgan of R. moved to strike out the 4th section of the amendment proposed by the Senator from Tippecanoe.

Mr. Morgan of D. moved that the Senate adjourn;

Which was not agreed to.

Mr. Moore moved that the Senate adjourn; not agreed to.

Mr. Morgan of R. moved to adjourn; upon which the ayes and noes were called,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Clark, Daily, Dunning, Finch, Green, Hoagland, Moore, Morgan of D., Morgan of R., Puett, Smith, Stafford, Stewart, Thompson of P., Trask, Tuley, Walker, and Watts of D.—20.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Chambers, Cole, Colerick, Crawford, Dobson, Dunn, Elliott, Ewing, Hackett, Kennedy, Little, Moffitt, Mount, Sigler, Stanford, Turman, Thompson of J., Thompson of L., Watt of U. and Vawter—26.

So the Senate did not adjourn.

On motion of Mr. Clark, the Senate adjourned.

THURSDAY MORNING, FEB. 8, 1836.

Senate assembled.

Mr. Mount, from the committee on enrolled bills, reports,

MR. PRESIDENT—

The joint committee on enrolled bills, report that they did this day compare the enrolled with the engrossed bills of the House;

No. 249—an act to amend an act, entitled, an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville, approved Feb. 8, 1836.

No. 93—an act to legalize the election and official acts of judges of probate, in Lake county;

No. 192—an act for the relief of Derbin Gaw;

No. 95—an act for the relief of John B. Walker;

No. 97—an act to change the name of Calvin C. Marsh;

No. 86—an act providing the number and mode of electing trustees of Posey county seminary;

No. 109—a joint resolution on the subject of a western armory;

No. 111—an act to provide for the election of a justice of the peace in the town of Hartsville, in Bartholomew county;

No. 100—an act to legalize the acts of Thomas Bowman;

No. 77—an act to prevent obstructions in Anderson river, in Perry and Spencer county;

No. 67—an act concerning State roads therein named;

No. 281—an act for the relief of Dalzel, Clark & Whitcomb, and Clarke & Co.;

No. 282—an act for the relief of Asa Brown;

No. 10—an act for the sale of certain school lands, belonging to the Vincennes tract;

No. 156—an act to legalize the sale of the 16th section, in township 9, range 2 west;

No. 39—an act to incorporate the town of Princeton;

No. 206—an act amendatory of the act entitled, an act for the formation of the Pleasant run school district, in Carroll county;

No. 120—an act to change the Morgansford and Brandywine town State road;

No. 154—an act authorizing Lewis Jones and others to sell lot No. 67, in the town of Washington, in Daviess county, and for other purposes;

No. 150—an act to amend an act entitled, an act to appropriate a part of the three per cent. fund in the county of Orange, approved Jan 27, 1837;

No. 181—an act to provide for a justice of the peace in Maysville, Daviess county;

No. 157—an act relating to the town of Vernon.

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House,

No. 297—an act to incorporate the Marion Guards, and for other purposes;

No. 292—an act appointing bridge and road commissioners in the counties of Spencer and Perry, and defining their powers and duties;

No. 158—an act to incorporate the Harrison and Napoleon turnpike company;

No. 82—an act appropriating the three per cent. fund appropriated to Warren county;

No. 230—an act for the relief of John Bennet;

No. 238—an act for the relief of Edward Hopkins;

No. 285—an act regulating the interest of money; and find the same truly enrolled.

The president laid before the Senate a report from the treasurer of State, in relation to the returns of school commissioners, of the amount of delinquent lands.

Mr. Stanford moved to refer it to the committee on education. Agreed to.

On motion of Mr. Clark,

The committee were instructed to inquire into the expediency of repealing or modifying the law for the benefit of education.

Mr. Baird moved to suspend the rules, and take up the bill relative to judicial circuits, as reported from the committee of the whole. Which was agreed to.

The question was on concurring generally with the amendments.

Mr. Beard moved to except that which gives to Vermillion three terms; which was agreed to.

The amendments, as proposed by Mr. Thompson of P., were concurred in.

The amendments were then concurred in, generally.

Mr. Elliott offered the following amendment:

SEC. That the circuit courts in the several counties composing the sixth judicial circuit shall be holden annually on the days and times following, to-wit: In the county of Wayne on the fourth Mondays in February, June and August: In the county of Union, on 2d Mondays in March and September: In the county of Fayette, on the 4th Mondays of March and September: In the county of Rush, on the 2d Mondays, succeeding the commencement of the courts in the county of Fayette: In the county of Henry, on the 2d Mondays, succeeding the courts in the county of Rush: In the county of Delaware, on the 2d Mondays, succeeding the commencement of the court in the county of Henry: In the county of Grant, on the Mondays succeeding the commencement of the courts in the county of Delaware: In the county of Randolph, on the Mondays succeeding the courts in the county of Grant: and in the county of Jay, on the second Mondays, succeeding the commencement of the court in Randolph; and the several courts in the said sixth judicial circuit to be holden as above, shall each sit six days if the business require it, except in the counties of Wayne, Union, Fayette, Rush, Henry and Randolph, where the courts shall each sit twelve days, if the business require it: and the county of Blackford shall be attached to the county of Jay for judicial purposes.

And upon the question shall the amendment be adopted? the Senate decided in the negative;

Mr. Stanford moved to strike out 1st and insert 2d, which would give to the Henry county court term one additional week;

Which was agreed to.

Mr. Kennedy moved to further amend, so as to give Delaware and Randolph, also one additional week;

Which was adopted.

Mr. Watt of U. also moved to amend so as to lengthen the term of Union one week; which was agreed to.

On motion of Mr. Dobson, the rules were suspended, the amendments considered as engrossed and the bill read a 3d time.

Mr. Morgan of R. moved to re-commit the bill and amendments to a select committee, composed of the Senators representing the 6th judicial circuit, with power only to amend so much of said bill as relates to said circuit; which was agreed to.

Ordered, That that committee be composed of Messrs. Morgan of R., Elliott, Bradbury, Kennedy, Stanford, Trask and Watt of U.

On motion of Mr. Sigler, the rules were suspended, and the bill relative to the Madison rail road was taken up;

Mr. Morgan of R. withdrew his motion (offered last evening) "to strike out;"

On motion of Mr. Clark, the bill and amendments were laid on the table.

Mr. Kennedy from the committee on corporations reports:

Mr. PRESIDENT—

The committee on corporations to whom was referred the bill to in-

corporate the Northfield steam mill and manufacturing company, have had the same under consideration and have instructed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Cole, the rules were suspended, the bill read a 3d time and passed.

The President laid before the Senate a communication from the President of the State Bank, relative to the surplus revenue.

On motion of Mr. Brady, laid on the table.

No. 278, a bill for the suppression of professional gambling, mentioned in an unfinished message from the House;

Read a 1st time; on motion of Mr. Thompson of L., the rules were suspended and the bill read a 2d time.

Mr. Thompson of L. moved to strike out the 3d and 4th sections.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Bowen, Casey, Cole, Colerick, Ewing, Morgan of R., Puett, Sigler, Smith, Stewart, Thompson of J., Thompson of L., and Trask,
—13.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bradbury, Brady, Cathcart, Chambers, Clark, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moore, Morgan of D., Mount, Stafford, Stanford, Turman, Thompson of P., Tuley, Walker, Watts of D., Watt of U., and Vawter—32.

On motion of Mr. Dobson, the rules were suspended and the bill read a 3d time. And on the question, shall the bill pass?

The ayes and noes were called;

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Morgan of D., Stafford, Stanford, Turman, Thompson of P., Tuley, Walker, Watts of D., Watt of U., and Vawter—35.

Those who voted in the negative were,

Messrs. Casey, Colerick, Green, Morgan of R., Puett, Sigler, Smith, Stewart, Thompson of J., Thompson of L., and Trask—11.

So said bill passed.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Dunning, the rules were suspended, and the bill and amendments relative to the Madison road was taken up;

The question was on instructing the committee.

Mr. Kennedy agreed to accept the amendment as offered by the Senator from Monroe, which was to strike out the 4th section of the instructions proposed by the Senator from Delaware.

Mr. Smith moved to amend the instructions by the following: "and for further appropriation of money for the full completion of said road, as contemplated by this act, the road and its profits, and the faith of the state are hereby irrevocably pledged;"

Which was not agreed to.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Kennedy, Sigler, and Trask.—3.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Walker, Watts of D., Watt of U. and Vawter—44.

Mr. Little moved to amend by adding the following:

Sec. That the board of internal improvement is hereby directed to cause a survey and location of that part of what is now called the Madison and Lafayette rail road, that lies between the town of Indianapolis and Crawfordsville to be made during the present season if practicable, and should such board on examination, find that it would be more conducive to the public interest and a saving of money to the state in making a McAdamized road, to follow the National Road as far west as the Mooresville, Danville and Crawfordsville state road, thence by Danville and Crawfordsville; then and in that case said board shall cause such location to be made on said route.

On motion, Senate adjourned.

2 o'clock, P. M.

Senate assembled.

Mr. Stanford from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the Senate,

No. 45—An act authorizing the construction of a bridge over White river on the Michigan road;

No. 97—An act authorizing the securing fugitives from justice;

No. 112—A joint resolution for the benefit of the collector of Clark county for 1837;

No. 172—An act establishing fire companies;

No. 177—An act legalizing certain proceedings in relation to the sale of certain school lands in Cass county;

No. 180—An act to authorize Asher Wilcox to erect a dam across the East fork of White river in Lawrence county;

No. 181—An act to provide for the establishment of a horse boat ferry therein named, across the Wabash river at the town of Attica;

And find them truly enrolled.

The President laid before the Senate a communication from the Fund Commissioners:

Mr. Colerick moved to lay it on the table; which was agreed to;

Mr. Thompson of P. moved that 1000 copies be printed. Not adopted.

On motion of Mr. Baird, 500 copies were ordered to be printed:

TO THE HON. DAVID HILLIS,

President of the Senate:

INDIANAPOLIS, February 8, 1838.

SIR—Please lay the enclosed report before the honorable body over which you preside.

Very respectfully yours,

SAM'L. HANNA,
ISAAC COE,

Annual Statistical Report of the Fund Commissioners of Indiana.

FUND COMMISSIONER'S OFFICE, }
February 6, 1838. }

To the General Assembly

of the State of Indiana:

The Fund Commissioners herewith report the Receipts and Expenditures of the Wabash and Erie Canal and of the Internal Improvement Funds, from the 1st January, 1837 to 2d January, 1838 inclusive, together with the situation of these funds and the whole receipts and expenditures appertaining thereto, including three semi-annual payments of interest on the state bonds.

There was on hand and due at the date of our last report		\$243,087 59½
Since which there has been received for state bonds sold	\$380,000 00	
2 per ct. premium on \$350,000 of the above	7,000 00	
Interest on deposits	14,836 04½	
Sales, payments and payment of interest on canal lands	30,051 65	
Expenses of rail road and canal surveys re-funded	38,763 49	
	<hr/>	470,651 18½

And there is due—

To Samuel Hanna	105 52	
do State Bank of Indiana	67 98	
do Lafayette Branch Bank	6,659 99	
do Isaac Coe	92 39	
do Internal Improvement Fund	17,755 96	
do Caleb B. Smith	82 32	
do Indianapolis Branch Bank	7,830 38	
	<hr/>	32,594 60

And there has been expended during the past year—

By payments made by the Board of Internal Improvement on acc't of W. and Erie canal	284,231 13	
do per diem of Fund Commissioners	561 00	
do expenses of do do	760 94	
do paid clerk hire, office rent, fuel, candles, stationary and postage	401 91	
do Auditor's salary	150 00	
	<hr/>	286,105 00
1½ year's interest on \$100,000 6 per cent. state bonds	9,000 00	
1½ year's interest on \$847,000 5 per cent. state bonds	63,525 00	
6 months interest on 380,000 5 per cent. state bonds	9,500 00	
Premium paid for specie and commission for paying it out at Merchant's Bank	3,915 54	
	<hr/>	85,940 54
Expenses of Canal Land Office paid Board of Internal Improvement		515 56

And there is due and on deposit—

From Fort Wayne Branch Bank proceeds of Ca-		
Lands deposited by S. Lewis	7,026 55	
Board Internal Improvement	8,446 42	
Merchants Bank on deposit	17 92	
J. J. Cohen jr. & Brothers	3,016 21	
Estate of J. Scott, dec'd. former Comm'r.	451 75	

Morris Canal and Banking company	337,894 25	
David Burr late Commissioner	16,919 18	
	<hr/>	373,772 28
		<hr/>
		\$746,333 38

Since the date of the above account, David Burr has made a payment of \$6,000.

General Summary of the Receipts and Expenditures on account of the Wabash and Erie Canal Fund.

There has been received since the commencement of the work—		
From the Road and Canal Fund	\$1,892 45	
do Sale of Cl. Lands after deducting expenses	250,886 41	
do Amount State Bonds sold	1,327,000 00	
do Premium on state bonds exchange, and interest on deposits	80,440 08½	
do Trespass an canal \$30, sale of 2 yoke of oxen \$90	120 00	
	<hr/>	1,660,338 94½
		<hr/>
And there has been paid out—		
For W. & E. Canal, including all expeditures	1,178,391 76½	
do Interest on S. bonds, premium, and Commission on specie	140,769 50	
And there is on hand and due as per report	373,772 28	
From which deduct amount due from fund	32,594 60	
	<hr/>	
Amount unexpended	341,177 68	
	<hr/>	1,660,338 94½
		<hr/>

Internal Improvement Fund.

There was on hand and due the Fund at our last anneal report		
	811,617 75½	
And there was from the Fund as per report	13,365 01	
	<hr/>	
Leaving a balance unexpended of		798,252 74½
Since which there has been received—		
From that amount of state bonds sold	1,650,000 00	
Premium obtained thereon	27,000 00	
Balance of interest on deposite and for exchange	53,410 12	
Sinking Fund Commissioners for interest on Surplus Revenue	22,940 11	

State Treasurer on account of Internal Im-	
provement tax	25,000 00
Overplus drawn for rail road surveys re-	
turned	272 70
Sale of yoke of oxen on Central canal	55 00
	<hr/>
	1,778,677 93

And the Fund was indebted at the date of report—

To Evansville Branch Bank	1,615 85	
do Indianapolis do	5,887 16	
do Lafayette do	7,572 75	
do Madison do	25,535 45	
do Lawrenceburgh do	5,164 16	
do New Albany do	29,914 62	
do Isaac Coe	29 21	
Caleb B. Smith	32 37	
	<hr/>	75,751 57
		<hr/>
		2,652,682 24 $\frac{3}{4}$

And there has been expended by the Board of

Internal Improvement on Whitewater canal	228,553 41	
on Central do	319,732 18	
Wabash do	77,157 89	
Cross-cut do	81,299 36	
Mich. & Erie do	7,073 06	
On Madison and Lafayette rail road	347,155 46	
On Jeffersonville and Crawfordsvill road	92,788 94	
On New Albany and Vincennes do	169,651 63	
On Wabash river	807 34	
General incidental expenses of Board Inter-		
nal indrovement	15,221 22	
	<hr/>	1,340,440 49
Refunded Wabash and Erie Canal Fund for		
canal and rail road surveys		38,751 49
Fund Commissioners per diem \$605; expen-		
ses \$848 94 $\frac{3}{4}$	1,453 64 $\frac{3}{4}$	
Clerk hire, stationary, postage, office rent,		
fuel, engraving and printing bonds	1,719 68 $\frac{1}{4}$	
	<hr/>	3,173 63
Paid 18 months interest on \$850,000 five per		
cent. bonds, and 6 months on \$1,150,000	92,500 00	
Premium and commission on specie for pay-		
ment	2,914 00	
	<hr/>	95,414 00
Paid R. D. Owen per act of Legislature		
\$201,93 L. & J. rail road \$165 75		367 68
And there is on hand and due the fund		
from J. J. Cohen jr. and brothers	299,012 35	
do Wabash and Erie canal fund	17,755 96	
do Samuel Hanna	7 61	

do Morris Canal and Banking Company	539,111	84	
do Fort Wayne branch bank	1,500	00	
do post notes on hand	300,000	00	
do Board of Internal Improvement	17,147	19 $\frac{3}{4}$	
			<hr/> 1,174,534 95 $\frac{3}{4}$
			<hr/> 2,652,682 24 $\frac{3}{4}$ <hr/>

General Summary of the Receipts and Expenditures of the Internal Improvement Fund.

There has been received on account of this fund.

From sale of state bonds to that amount	2,500,000	00	
do premium obtained thereon	31,500	00	
			<hr/> 2,531,500 00
do interest on deposit and exchange	60,406	73	
do Com'r of sinking fund, interest on 3d instalment of surplus revenue	22,940	11	
do State Treasurer on account internal improvement tax	25,000	00	
			<hr/> 108,346 84
do overplus drawn for rail road surveys replaced	272	70	
do sale of yoke oxen on Central canal	55	00	
			<hr/> 327 70
Total amount of receipts			<hr/> 2,640,174 54 <hr/>

And there has been paid out			
on account of Whitewater canal	234,190	19	
do Central do	351,929	95 $\frac{1}{2}$	
do Wabash do	88,904	76 $\frac{3}{4}$	
do Cross-cut do	84,445	02	
do Mich. & Erie do	10,764	82 $\frac{3}{4}$	
do Madison and Lafayette rail road	360,595	03 $\frac{3}{4}$	
do Jeffersonville & Crawfordsville do	96,654	96	
do New Albany and Vincennes do	173,913	47 $\frac{1}{2}$	
do Wabash river	807	34	
General Incidental expenses of the Board of internal improvement	17,547	97	
			<hr/> 1,419,753 54 $\frac{1}{2}$
Per diem of fund commissioners	605	00	
Expenses of do	848	94 $\frac{3}{4}$	
Contingent expenses	1,760	48 $\frac{1}{4}$	
			<hr/> 3,214 48
Interest on state bonds	92,500	00	
Premium for specie and commission	2,914		
			<hr/> 95,414 00
Paid R. D. Owen per act of Legislature	201	93	201 93
Paid premiums on specie to pay interest on state bonds issued for L. and J. rail roads	165	75	165 75

Repaid Wabash and Erie canal fund expenses of R. R. surveys	22,641 50
And there is on deposite and due the fund as per report of this date	1,174,534 95 $\frac{1}{2}$
From which deduct amount due from fund as per report	75,751 57
	<hr/>
Balance of fund unexpended	1,098,783 38 $\frac{1}{2}$
	<hr/>
Amount expended, on hand and due	2,640,174 54
	<hr/>

During the past year D. Burr has paid to the internal improvement fund, \$4,461, money in his hands which stood charged to the Board of Internal Improvement, and the balance of Wabash and Erie canal funds in his hands, has at the request of that Board been charged to his individual account, he having ceased to be a member of the Board. The present balance standing on our books against that Board, arising from a portion of their drafts on us in December having been paid and charged them, while their receipts for the payment cannot be credited until the next annual settlement. Since the 2d January, there has been received from the Treasurer of State \$15,000, and there has been paid to the Auditor of Public Accounts \$507 34 for his services the past year under the 14th section of the Internal Improvement act.

We would again call the attention of the General Assembly to the necessity of some provision authorizing the payment of interest on the bonds of the State furnished the Lawrenceburg and Indianapolis Rail Road Company. The exchange and premium on specie for the interest of which due the first January, was paid out of the Internal Improvement Fund, to preserve inviolate the faith of the State.

All of which is respectfully submitted

SAMUEL HANNA,
ISAAC COE.

No. 266, a bill to authorize Arthur McClure to build a bridge across the Grand Calumet river, mentioned in an unfinished message from the House;

Read a 1st time; on motion of Mr. Crawford, the rules were suspended and read a 2d time;

On motion of Mr. Walker, the rules were further suspended, the bill read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT--

The House of Representatives have instructed me to inform the Senate that the House has passed an engrossed bill of the Senate,

No. 40, entitled An act to incorporate a certain company therein named, without amendment.

The following message was received from the Governor, by his private secretary, Mr. Maguire:

MR. PRESIDENT—

I am requested by his excellency the Governor to inform the Senate that he has approved and signed acts and a joint resolution entitled as follows:

No. 24—An act to incorporate the Morgan county Seminary;

No. 35—An act to locate a state road from Cambridge City to Fort Wayne;

No. 57—An act for opening and repairing public roads and highways in the county of Hancock;

No. 99—An act to amend an act entitled an act to incorporate the Buffalo and Mississippi rail road company;

No. 51—An act to authorize the Treasurer of Dearborn county to pay over certain road tax in his hands;

No. 56—An act to enable the school commissioner of Ripley county to do certain acts;

No. 92—An act for the relief of Thomas P. Miller;

No. 231—An act authorizing the election of an additional justice of the peace in Clinton in Vermillion county;

No. 159—An act to authorize the election of an additional justice of the peace in Hendricks county;

No. 177—An act to legalize the proceedings of the board of justices in the county of Decatur;

No. 184—An act declaring Turman's creek a public highway;

No. 156—An act for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county;

No. 151—An act changing the name of Edinburgh in Franklin county;

No. 119—An act to locate a state road from Franklin in Wayne county to Huntington on the Wabash and Erie canal;

No. 122—An act relative to the county library of Sullivan county;

No. 105—An act to incorporate the Rockport steam mill and manufacturing company;

No. 155—An act to change the name of the town of Carthage in Harrison county;

No. 252—An act for the relief of James Sutfin;

No. 243—An act to provide for the payment of clerks employed by the revising and investigating committees during the present session of the General Assembly and for other purposes;

No. 169—A joint resolution relative to refuse lands on the Wabash river;

On motion of Mr. Clark, the rules were suspended, and the bill and amendments relative to the Madison and Lafayette rail road was taken up; and,

On the question, shall the amendment as offered by the Senator from Hendricks be adopted?

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Kennedy, Little, Mitchell, Morgan of D., Morgan of R., Smith, Stafford, Stewart, Thompson of P., Trask and Walker—13.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Moffitt, Moore, Mount, Puett, Sigler Stanford, Turman, Thompson of J., Thompson of L., Tuley, Watts of D., Watt of U. and Vawter—34.

So the amendment was not adopted.

Mr. Trask moved the following amendment to the instructions, viz:

The board of internal improvement is instructed hereby, to proceed early the ensuing spring to permanently locate that part of the Central canal which is north of Indianapolis, (not now under contract) and put a part of the same under contract, commencing as near the northern extremity of the same as practicable, an amount of the original appropriation on the Central canal, as by the act of 1836, shall be applied on said northern portion of said canal in proportion to extent and estimate;

And on the question, shall the amendment be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Bell, Casey, Daily, Ewing, Morgan of D., Smith, Stewart, Thompson of L., Thompson of P., Trask, and Walker—11.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Finch, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Turman, Thompson of J., Tuley, Watts of D., Watt of U. and Vawter—36.

So said amendment was not adopted.

Mr. Walker moved the following amendment to the instructions, to-wit.

Sec. That the board of public works shall not consider the location of said road north of Indianapolis, as it is at present, to be final or permanently fixed; but that they shall cause a re-examination and survey thereof to be made, and if therefrom a nearer, or a cheaper, or a better route can be found upon which to locate said road, and connect it at the nearest and best point, with the Wabash and Erie canal, on the most advisable and direct direction towards Michigan City in the

north, that they shall adapt such route. *Provided*, That before they shall determine upon any route definitely, an examination shall be made on the Michigan road, which shall be adopted by the board as the permanent route for the road, authorized to be changed by this act from a rail-road to a McAdamized road; if in the opinion of the board that shall be considered the most advisable, cheapest and best route, from Indianapolis to where it intersects the Wabash and Erie canal at Logansport.

And on the question, shall the amendment be adopted?

The ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Ewing, Finch, Green, Morgan of D., Morgan of R., Smith, Stewart, Thompson of P., Trask, Walker and Watts of D.—13.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning Elliott, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Mount, Puett, Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Watt and Vawter.—34.

So said amendment was not adopted.

A division of the question being called for,

The question was on striking out the instructions as proposed by the senator from Ripley.

Upon which question the ayes and noes were called.

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dunn, Dunning, Elliott, Hoagland, Kennedy, Moffitt, Mount, Sigler, Stanford, Thompson of J., Thompson of L., Watt and Vawter—24.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Daily, Dobson, Ewing, Finch, Green, Hackett, Little, Mitchell, Moore, Morgan of D., Morgan of R., Puett, Smith, Stafford, Stewart, Turman, Thompson of P. Trask, Tuley, Walker and Watts—23.

So the Senate decided in favor of striking out.

Mr. Ewing offered the following amendment to the instructions of Mr. Kennedy, viz:

“Sec. 4. That no portion of the \$1,300,000, being the amount of the original appropriation on said road, shall be applied or appropriated on that part of said road, between Indianapolis and Crawfordsville.”

And on the question, shall the amendment be adopted?
The ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Casey, Cathcart, Daily, Ewing, Finch, Green, Hackett, Mitchell, Moffitt, Morgan of D., Smith, Stewart, Thompson of P., Trask, Walker and Watt—16.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Hoagland, Kennedy, Little, Moore, Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Watt and Vawter—31.

So the Senate decided the question in the negative.

Mr. Finch moved the following amendment to the instructions, viz:

That the board of internal improvements is hereby reduced to five members, to be chosen by joint viva voce vote of the Senate and the House of Representatives, and for the purpose of choosing said board of commissioners, the State shall be divided into five districts as follows, viz. That portion of the State south of the township line, dividing township two and three north of the base line, shall constitute the first district; and that portion of the State north of the township line dividing township twenty-six and twenty-seven north, shall constitute the second district; and all that portion of the State west of the range line, dividing ranges one and two, west of the second principal meridian, and not included in either of the districts above established, shall constitute the third district; and all that portion of the State east of the range line, dividing ranges seven and eight, east of the aforesaid meridian, and not included in the first and second districts, as before established, shall constitute the fourth district; and all that portion of the State not included in either the first, second, third or fourth districts, as herein established, shall constitute the central or fifth district,—and one of the commissioners as herein provided, shall be chosen in each of the aforesaid districts, who shall serve three years, and until their successors are chosen and qualified. *Provided*, That at the first election, they shall be classed as follows: that is to say, the commissioners chosen in the first and second districts shall serve three years; the commissioners in the third and fourth district shall serve two years, and the commissioner in the fifth district shall serve one year; and every year the vacancies, as they occur, shall be filled accordingly.

Sec. 2. The board of commissioners hereby created and established, shall have all the powers, and shall perform all the duties that are given and required by law, of the board of internal improvement, as now established, that is not inconsistent with the provisions of this act.

Sec. 3. Said board shall appoint the necessary resident engineers to have in charge, and under their superintendence, the several works of internal improvement in progress, or that may be authorized, with the necessary assistance; and such engineers and assistants on receiving their appointments, before entering on the duties of their respective appointments, shall take an oath before some person qualified to administer the same, faithfully and impartially to discharge their duties as such; which oath shall be certified on the back of the said appointments by the person administering the same.

Sec. 4. It shall be the duty of the resident engineers in addition to a general superintendence of the works as now required by the rules established by the board of internal improvement, to make out the monthly estimates of work and labor done, or materials furnished by contractors, and others for the public works under their charge:— and it shall be the duty of at least one of the board of commissioners to attend at making out such monthly estimate, and shall approve and sign the same, which with the signature of said engineer shall be necessary to entitle the contractor to receive the payment of said estimate.

Sec. 5. The board shall have power to appoint a clerk, to keep all necessary records and books, and do all such services as may be required of him as such, and shall also take an oath of office; and the board shall also have power to appoint engineers, to make any survey connected with the works of internal improvement, as authorized by law, or that may be directed by the legislature; and to fix the compensation of said clerk and engineers, and the necessary attendants of such engineers.

Sec. 6. The board, in prosecution of the public works, "shall have due regard to economy, and the most profitable, and early receipt of tolls;" and shall not expend the present year more than one and a half million of dollars, including existing contracts, and in subsequent years, not to exceed one million of dollars, unless authorized by law: and no portion of the appropriation, on any one work shall be taken or transferred to any other work; and the Erie and Michigan canal is hereby made a part of the system of internal improvement, and shall be commenced and prosecuted upon the same principles as other works pertaining to the system.

Sect. 7. The board of canal fund commissioners is hereby reduced to two members, to be chosen by joint viva voce vote of the Senate and House of Representatives, and shall serve for three years, and until their successors are chosen and qualified; and said commissioners so chosen shall be commissioned by the governor, and before entering on the duties of their office shall give bond and security to be approved by the governor and payable to him in the sum of twenty thousand dollars, conditioned for the faithful performance of their duty; and the payment of all sums of money that may come into their hands as such commissioners; and on failure to discharge their duties as required by law, or to pay over money coming to their charge, so that the State suffers loss or injury, the same shall be recoverable

upon action in behalf of the State, in any court having competent jurisdiction.

Sec. 8. The board of canal fund commissioners hereby established, shall have all the powers and perform all the duties required by law of the board of canal fund commissioners as now constituted, and shall have power to appoint their own clerk, and prescribe his duties, and fix his compensation; and shall have authority, with the advice and consent of the board of internal improvement, to appoint an agent, if in their opinion the interest of the State shall require it, to transact business pertaining to their duties, or having a relation thereto in any of the Atlantic cities, or elsewhere, and to fix the compensation of such agent.

Sec. 9. So much of the Madison and Lafayette rail-road as is between Indianapolis and Lafayette, shall be, and the same is hereby changed to a McAdamized road, and shall be so constructed accordingly, and two hundred and fifty thousand dollars, of the original appropriation for said road is hereby appropriated to the construction of said road from Crawfordsville to Lafayette; and so much of said road as is between Madison and Indianapolis, shall be restricted to a single track rail-road, with suitable turn-outs, to be constructed with a wooden superstructure, and rails with flat bar iron: *Provided, however,* That if it be ascertained by said board of internal improvement, that a loss would be sustained by the State in disposing of the iron now on hand for said road, they may in their discretion use the same so far as it will go, in the construction of said road, constructing the residue with the flat bar rail.

Sec. 10. This act shall not be so construed as to authorize any expenditure beyond the original sum, one million and three hundred thousand dollars, appropriated in the act to which this is an amendment, for the construction of the Madison and Lafayette rail-road.

Sec. 11. The pay of the members of the board of internal improvement shall be three dollars and fifty cents per day, while necessarily employed in the service of the State; and five cents per mile for travelling, for each mile necessarily travelled in the service of the State, out of the bounds of their respective districts. The pay of the canal fund commissioners shall be three dollars and fifty cents for each day necessarily spent in the service of the State, and five cents per mile for each mile necessarily travelled in the service of the State, out of the limits of the State. The pay of the resident engineers shall be one thousand dollars per annum, and assistant engineers shall receive seven hundred dollars per annum, and no contingent expense shall be allowed in any case, but such as is herein allowed—all laws and parts of laws coming within the purview of this act, be and the same is hereby repealed.

This act shall be in force and take effect from and after its passage.

And on the question, shall the amendment to the instructions be adopted? The ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Casy, Daily, Finch, Hacket, Mitchell, Morgan of D., Morgan of R., Smith, Stewart, Turman, Thompson of P., Trask, Walker and Watts of D.—14.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Green, Hoagland, Kennedy, Little, Moffitt, Moore, Mount, Puett, Sigler, Stafford, Stanford, Thomson of J., Thompson of L., Tuley, Watt of U. and Vawter—33.

So said amendment was not adopted.

On the question, shall the instructions, as proposed by the senator from Delaware, be adopted?

The Senate decided in the affirmative.

The president announced the following gentlemen as composing the following committee: Messrs. Sigler, Thompson of L., Mount, Clark, Stafford, Stanford, Colerick, Baird and Casey.

Leave being granted, Mr. Sigler, from the select committee to which was referred the enacting clause of a bill of the House, No. 277, entitled, a bill to change the character of a part of the Madison and Lafayette road, have that matter in possession, and in compliance with the instructions of the Senate, report the same back, amended, by inserting the bill of the House, with the exception of the 4th section thereof, and ask the concurrence of the Senate.

On the question, will the Senate concur in the report? It was decided in the affirmative.

On motion of Mr. Thompson of L.,

The rules were suspended, the bill considered as engrossed, read a third time and passed.

On motion, Senate adjourned.

FRIDAY MORNING, FEB. 9, 1838.

Senate assembled.

Mr. Bell obtained leave to change his vote from the negative to the affirmative, given yesterday on Mr. Trask's proposed amendment to the instructions relative to committing the bill concerning the Madison and Lafayette road.

Mr. Kennedy also obtained leave to change his vote from the affirmative to the negative on the same subject.

Mr. Trask from a select committee, reports:

Mr. PRESIDENT—

The select committee to whom was referred the bill of the House, No. 152, entitled "an act for the formation of the county of Blackford," have had the same under consideration, and have instructed me to report the same to the Senate with two amendments,

In which the concurrence of Senate is requested.

The amendments were concurred in.

On motion of Mr. Kennedy, the amendments were considered as engrossed, the bill read a third time and passed.

Mr. Tuley presented a petition from Jos. Blackwell and others, praying the location of a state road from Lexington in Scott county, to New Albany in Floyd county.

On motion of Mr. Tuley, it was referred to Messrs. Tuley, Hoagland, and Daily.

Mr. Tuley presented a petition from Thomas Lines, Samuel G. Wilson, and others, on the subject of the Jeffersonville and Crawfordsville road, which was referred to Messrs. Tuley, Daily, and Hackett.

On motion of Mr. Cathcart, the rules were suspended, and he obtained leave to introduce the following resolution:

Resolved, That the committee on the judiciary be instructed to report a bill changing the law on the subject of prison bounds, as to make the same co-extensive with the state.

On the question, "shall the resolution be adopted?"

The Senate decided in the negative.

Mr. Kennedy moved to reconsider the vote.

Which was not agreed to.

Mr. Thompson of L., presented a memorial of the Board of Directors of the Branch at Bedford of the State Bank of Indiana."

On motion of Mr. Thompson of L., it was referred to the committee on the State Bank.

Mr. Cole, presented a remonstrance from Robert Davison and others, remonstrating against Danville being made a point on the route of the Indianapolis and Crawfordsville Rail Road.

On motion of Mr. Cole, laid on the table.

Mr. Dunning from the committee on revision, Reports the following bills:

No. A bill relative to county boundaries.

On motion of Mr. Dunning, laid on the table.

No. 313—A bill for the safe keeping of prisoners, committed under the authority of the United States, into any of the jails of this state, and for other purposes; which was read a first time.

On motion of Mr. Dunning, the rules were suspended, and the bill read a second time, and

On motion of Mr. Colerick, referred to Messrs. Colerick, Dunning, and Thompson of P.

Mr. Thompson of L., from the committee on revision, reports:

No. 314—A bill organizing the Supreme Court and defining its powers and duties; which was read a first time.

On motion of Mr. Thompson of P., the rules were suspended and the bill read a 2d time.

The Senate considered itself as in committee of the whole, and the bill ordered to be read by sections.

Mr. Colerick moved to amend the third section by providing that the two next terms, instead of the next term, be holden as now provided by law.

On motion, the rules were further suspended, the bill read a third time and passed.

Mr. Finch from the committee on revision, made a Report:

On motion of Mr. Stanford, recommitted to the committee on revision.

Mr. Elliott from a select committee, reports:

Mr. PRESIDENT—

The select committee to which was referred a bill providing for the organization of the State into judicial circuits, and fixing the time of holding courts therein, have had the same under consideration, and have directed me to report it back with one amendment to the sixth judicial circuit, and ask the concurrence of the Senate therein.

The amendment was concurred in.

On motion of Mr. Thompson of L., the bill and amendment were considered as engrossed, the rules being suspended, read a third time and passed.

On motion of Mr. Thompson of L., the Senate resolved itself into a committee of the whole on a bill to provide for the support of illegitimate children; Mr. Brady called to the chair.

After some time spent therein, the committee rose, and the chairman reported, that the committee had made sundry amendments to the bill, in which he was directed to ask the concurrence of the Senate.

The Senate concurred in the amendments generally.

On motion of Mr. Kennedy, the amendments were considered as engrossed and the bill read a third time, the rules being suspended, and passed.

The Senate resumed the consideration of bill No. 168, regulating the jurisdiction and duties of justices of the peace.

The question was on an amendment, as amended by the Senator from Delaware.

The ayes and noes being called—

Those who voted in the affirmative were,

Messrs. Brady, Cathcart, Clark, Colerick, Dobson, Dunn, Dunning, Elliott, Green, Mitchell, Moffitt, Morgan of D., Morgan of R., Puett, Sigler, Smith, Stafford, Stanford, Stewart, Turman, Thompson of L., Thompson of P., Tuley, Walker, Watts, of D., and Vawter—26.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Casey, Chambers, Cole, Crawford, Daily, Ewing, Finch, Hackett, Hoagland, Kennedy, Little, Mount, Thompson of J., Trask, and Watt, of U.,—20.

So the amendment was adopted.

M. Clark moved to amend by exempting certain counties, and restricting the jurisdiction of justices of the peace, to their own townships, except in certain cases.

On motion, the Senate adjourned.

2 o'clock P. M.

The Senate Assembled.

The bill and amendments relative to justices of the peace was taken up.

The question was on the amendment of the Senator from Tippecanoe.

Mr. Puett proposed to amend the amendment by adding the county of Parke; which was accepted.

Mr. Moore moved also to add the county of Daviess;

Which was accepted.

On the question, "Shall the amendment be adopted?"

The ayes and noes were called—

Those who voted in the affirmative were,

Messrs. Beard, Bell, Bowen, Brady, Casey, Cathcart, Chambers, Clark, Colerick, Denson, Dunning, Finch, Hackett, Hoagland, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Sigler, Smith, Stafford, Stanford, Turman, Thompson of P., Tuley, Walker, and Vawter—29.

Those who voted in the negative were,

Messrs. Baird, Bradbury, Cole, Crawford, Daily, Dunn, Elliott, Ewing, Green, Kennedy, Little, Mount, Stewart, Thompson of J., Thompson of L., Trask, Warts of D., Watt of U.,—18.

So the amendment was adopted.

Mr. Kennedy moved to amend by striking out the county of Randolph, Which was consented to.

Mr. Crawford moved to strike out the section of the bill relative to the confession of judgments; and upon the question, "Shall the section be stricken out?" the ayes and noes being requested thereon—

Those who voted in the affirmative were,

Messrs. Beard, Clark, Cole, Colerick, Crawford, Mitchell, and Moffitt—7.

Those who voted in the negative were,

Messrs. Baird, Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Dailey, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Little, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford,, Stanford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D., Watt of U., and Vawter—39.

So said section was not stricken out.

Mr. Sigler moved further to amend the bill by striking out the 104th section; and on the question, "Shall the amendment be adopted?"

The ayes and noes being requested thereon—

Those who voted in the affirmative were,

Messrs. Beard, Bowen, Bradbury, Casey, Dobson, Dunn, Dunning, Elliott, Green, Hackett, Moffitt, Morgan of D., Puett, Sigler, Turman, Thompson of J., Thompson of L., Watts of D., and Watt of U.—19.

Those who voted in the negative were,

Messrs. Baird, Bell, Brady, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dailey, Ewing, Finch, Hoagland, Kennedy, Little, Mitchell, Moore, Morgan of R., Mount, Smith, Stafford, Stanford, Stewart, Thompson of P., Trask, Tuley, Walker, and Vawter—28.

So said amendment was not adopted.

Mr. Bowen moved to exempt regularly licensed attorneys from the provisions of the 114th section of said bill;

And upon the question, "Shall the proposed amendment be adopted—

The ayes and noes being requested thereon—

Those who voted in the affirmative were,

Messrs. Beard, Bowen, Dunning, Elliott, Finch, Puett, Thompson of J., and Watt of U.—9.

Those who voted in the negative were,

Messrs. Baird, Bell, Bradbury, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dailey, Dobson, Dunn, Ewing, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Smith, Stafford, Stanford, Stewart, Turman, Thompson of L., Thompson of P., Trask, Tuley, Watts of D., and Vawter—37.

So said amendment was not adopted.

Mr. Thompson of P., moved the previous question;

Which was not sustained.

Mr. Green moved to reconsider the vote taken on concurring in the

amendments to said bill made in committee of the whole;

Which was not agreed to.

Mr. Moffitt moved to insert the county of Clay, in the amendment of the Senator from Tippecanoe; which was consented to.

Mr. Kennedy moved to suspend the rules of the Senate, consider the bill and amendments thereto as engrossed, and read it a third time now;

Which motion was consented to.

Whereupon, the bill was read a 3d time and passed.

Leave being granted, Mr. Colerick made the following report from a select committee, viz:

MR. PRESIDENT—

The select committee to whom was referred a joint resolution of the Senate No. 131, entitled a joint resolution relative to the Lawrenceburgh and Indianapolis rail road company, have had the same under consideration and directed me to report the same back with an amendment and ask the concurrence of the Senate therein.

On motion of Mr. Morgan of D., the joint resolution and amendment were referred to a select committee of Messrs. Morgan of D., Morgan of R., Walker and Watts of D.

Mr. Sigler moved to take from the table the message from the House of Representative by Mr. Bryce a member, in relation to a change in the character of a part of the Madison and Lafayette rail road; which was consented to.

MR. PRESIDENT—

The House of Representatives has refused to concur in the amendment of the Senate to the engrossed bill of the House of Representatives,

No. 277—An act to change the character of a part of the Madison and Lafayette road.

Mr. Dobson moved that the Senate recede from their amendment to the bill of the House in the message named; which was agreed to.

Ordered, That the Secretary inform the House thereof.

Leave being granted, Mr. Moffitt from a select committee makes the following report, viz:

MR. PRESIDENT—

The select committee to whom was referred a bill incorporating the town of Terre Haute, have had the same under consideration and have directed me to report it back to the Senate without amendment.

The report was concurred in.

On motion of Mr. Moffitt, the rules of the Senate were dispensed, the bill considered as engrossed, read a 3d time and passed.

Leave being granted Mr. Morgan of R. from a select committee made the following report, viz:

MR. PRESIDENT—

The select committee to whom was referred a bill of the Senate, No. 311, entitled a bill providing means by additional State Bank stock for liquidating interest on the internal improvement loans of the state, have amended the same as follows, viz:

1st, In the 4th line of the 1st section strike out the words "eight hundred thousand" and insert "six hundred thousand;"

2d, Strike out the "third section;" in which amendments the concurrence of the Senate is requested.

Mr. Smith moved to amend the amendment by inserting after the words six hundred thousand in the first section the words "in specie;"

Mr. Thompson of P. moved the previous question;

Which was sustained.

The main question was then put, which was, shall the bill and amendments be engrossed?

And upon this question, the ayes and noes being requested,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Tuley, Walker, Watt of U. and Vawter—32.

Those who voted in the negative were,

Messrs. Bell, Casey, Daily, Green, Hackett, Hoagland, Kennedy, Smith, Stewart, Turman, Thompson of P., Trask, and Watts of D. —12.

So said bill and amendments were engrossed.

Mr. Sigler moved to suspend the rules of the Senate, and read the bill a third time now; which was agreed to.

Whereupon, the bill was read a third time;

And upon the question, shall the bill pass?

The ayes and noes being requested thereon,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Trask, Tuley, Walker, Watt of U., and Vawter—34.

Those who voted in the negative were,

Messrs. Bell, Casey, Daily, Green, Hackett, Hoagland, Kennedy, Smith, Stewart, Turman, Thompson of P., and Watts of D.—11.

So said bill passed.

Mr. Kennedy moved to amend the title of said bill as follows:

"Strike out the title" and insert, "a bill for the increase of bank monopolies."

Mr. Watts of D. moved to amend the amendment by striking out the word "monopolies" and insert the word "capital;"

Which was accepted by Mr. Kennedy as a modification of his amendment; and on the question, shall the title of the bill be amended as proposed by the Senator from Delaware?

The Senate decided in the negative.

Mr. Thompson of L. moved that the committee of the whole Senate be discharged from any further consideration of the following bills, viz: No. 308, a bill to provide for the incorporation of county libraries; which was agreed to.

On motion of Mr. Thompson of L., the rules of the Senate were suspended, the bill considered as engrossed and read a 3d time and passed.

No. 309, a bill for the incorporation of agricultural societies.

Mr. Thompson of L. moved to suspend the rules of the Senate, consider the bill as engrossed and read it a third time now;

Which motion was consented to; whereupon, the bill was read a 3d time and passed.

No. 174, a bill relating to county seminaries.

On motion of Mr. Thompson of L., the rules of the Senate were suspended, the bill considered as engrossed and read a third time and passed.

No. 175, a bill authorizing the loaning of the college funds.

On motion of Mr. Thompson of L., the rules of the Senate were suspended, the bill considered as engrossed, read a 3d time and passed.

Mr. Thompson of L. moved to take up the message from the House containing the resolution relative to an adjournment;

Which was consented to.

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House of Representatives has adopted the following resolution:

Resolved. That this House, (the Senate concurring therein) will, on Wednesday next at 2 o'clock, P. M. go into the election of a prosecuting attorney for the 7th judicial circuit.

The House of Representatives has also adopted the following resolution:

Resolved, (The Senate concurring) that the resolution of the Senate passed this House on Saturday the 3d instant, fixing the 19th of Feb-

ruary, as the day for the adjournment of this legislature, be and the same is hereby rescinded.

Mr. Thompson of L. moved that the Senate concur in the first resolution mentioned in the message;

Which was agreed to.

Mr. Kennedy moved to lay the resolution relative to adjournment on the table; which was also agreed to.

On motion, Senate adjourned.

SATURDAY MORNING, FEB. 10, 1838.

Senate assembled.

Leave granted, Mr. Thompson of P. introduced the following resolution; which was adopted.

Resolved, Whereas a bill has passed the General Assembly, incorporating the Evansville trust company, entitled, a bill to incorporate a certain company therein named, which has provisions unconstitutional, impolitic and adverse to the interests of the State, and which this legislature would have stricken out, had it been critically examined. Therefore,

Resolved, That the governor be respectfully requested to withhold his signature, and return said bill to the General Assembly, or veto it.

Mr. Baird presented a petition from William W. Brick, praying the location of a certain State road therein named; referred to Messrs. Baird, Crawford and Colerick.

Mr. Clark introduced the following resolution:

Resolved, That the Senate will, during the next week ensuing, meet at half past eight o'clock, A. M. and half past one o'clock, P. M., unless a meeting be otherwise ordered by resolution.

Mr. Thompson of L. moved to amend, by inserting, and half past six o'clock in the evening; which was accepted.

Mr. Daily moved further to amend, by striking out "half past," in that clause, which relates to the Senate meeting in the morning; which was also accepted.

On the question, shall the resolution be adopted? the Senate decided in the affirmative.

Mr. Trask moved to suspend the rules, in order to make a motion to discharge the committee on canals and internal improvements, from any further consideration of a bill in addition to an act for a general system of internal improvement; which was agreed to.

Mr. Dunning, from the committee on revision, reports,

No. 317—an act to regulate the mode of summoning and empanneling grand and petit jurors.

On motion of Mr. Dunning,

The rules were suspended, and the bill read a second time.

The rules being further suspended, the bill considered as engrossed, was read a third time and passed.

Mr. Thompson of L., from the judiciary committee, reports,

Mr. PRESIDENT—

The judiciary committee to which was referred the petition of Jeremiah Smith, of Randolph county, praying for the appointment of a commissioner for certain purposes therein named, have had the same under consideration, and have directed me, in accordance with the prayer of the petitioner, to report the following bill:

No. 318—an act appointing a commissioner for certain purposes therein named; read a first time.

On motion of Mr. Kennedy,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Thompson of L., from the same committee, again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a resolution of the Senate, instructing an inquiry into the expediency of so amending the law in relation to the sale of property on execution, issued by justices of the peace, that the same shall be sold for two thirds of its value, have directed me to report that legislation thereon is inexpedient, and ask to be discharged from the further consideration thereof. The committee were discharged.

Mr. Thompson of L., from the same committee, further reports,

Mr. PRESIDENT—

The judiciary committee to which was referred a bill of the Senate, No. 158, entitled, a bill creating the office and defining the duties of collector of Michigan City, have had the same under consideration, and have directed me to report the same back without amendment, and ask to be discharged from the further consideration thereof. The committee were discharged.

On motion, the bill was laid on the table.

Mr. Dunning, from the committee on education, report,

Mr. PRESIDENT—

The committee on education, to whom was referred an engrossed bill of the House, No. 236, entitled, an act relating to the office of school commissioner in certain counties, have had the same under consideration, have made one amendment thereto, have instructed me to report it back to the Senate, and ask their concurrence in the

amendment, and ask to be discharged from any further consideration thereof.

The committee were discharged, and the amendment concurred in. On motion of Mr. Dunning,

The rules were suspended, the bill and amendment considered as engrossed, read a third time and passed.

Mr. Dunning, from the same committee, again reports,

MR. PRESIDENT—

The committee on education, to whom were referred a petition of the citizens of Cass county and also a remonstrance of a portion of the citizens of the same county, upon the subject of the transfer of certain school funds, have had the same under consideration, and have instructed me to report that legislation upon that subject at this time is inexpedient, and the committee ask to be discharged from any further consideration thereof. The committee were discharged.

Mr. Dunning, from the same committee, further reports:

MR. PRESIDENT—

The committee on education, to whom was referred a communication from Messrs. Osborn & Chamberlain, accompanied with a series of school books, commonly called "Cobb's series of school books," asking an expression of opinion from said committee, as to the adaptation of said system of books to the wants and interests of the common schools of Indiana, and which system of books comprises a spelling, reading and arithmetical course, have had said communication and books under consideration, and after an examination of the books and the testimonials in favor of the same, have instructed me to report that the series of books appears to have been gotten up with great care and ability, that it appears to have passed the test of critical examination by, and received the recommendations of, many able and experienced teachers and learned professors and presidents of colleges, both in the eastern and western States, and that it embraces a correct and progressive series of elementary school books admirably adapted to the wants and interests of common schools in Indiana.

The committee are aware that objections may be urged against the propriety of the committee giving any expression in favor of any system of school books, and at first view the objection may appear plausible, in reply to this objection the committee would simply remark, that in their opinion it is as much the duty of the legislature of a State to consider of, and adopt such measures as will best tend to promote the diffusion of knowledge through the medium of common schools as to guard or advance any other interest in the State, and certainly no other interest is of paramount importance to this, the committee would further remark that it is not intended by them to make any invidious distinction between this system of school books, and any other but barely to state, that in their opinion, said system if adopted into the common schools of this State, will greatly promote the cause of educa-

tion, they therefore recommend the adoption of the following resolution, viz: and ask to be discharged from any further consideration thereof.

Resolved, That Cobb's system of school books, published at Indianapolis, by Osborn & Willetts, be recommended to parents, teachers, and school directors, as suitable books to be introduced generally into the common schools of Indiana. The committee were discharged.

Mr. Clark moved to lay the resolution on the table.

Leave being granted, Mr. Dunning withdrew the resolution.

Mr. Thompson of P. moved to lay the report on the table.

The hour having arrived for the taking up of the previous orders, the further consideration of the report was postponed.

Leave being granted, Mr. Vawter introduced the following resolution:

Resolved, That the secretary of the Senate be authorized to employ as many assistant secretaries, as may be necessary for the speedy despatch of the business of the Senate; which was agreed to.

Mr. Tuley moved that the rules of the Senate be suspended, and he have leave to report from a select committee.

Which was not agreed to.

Leave being granted, Mr. Clark introduced the following resolution:

Resolved, That during the balance of this day, no motion to postpone the previous orders of the day, shall be in order, or be responded to by the chair; which was agreed to.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

I am instructed to inform the Senate that the House of Representatives, has passed engrossed bills of the Senate, entitled,

No. 26—an act to incorporate the Marion and Mississinawa bridge company;

No. 133—an act to incorporate the town of Rockport in Spencer county;

No. 164—an act to incorporate the town of Franklin, in Johnson county; and

No. 305—an act to incorporate the Baily and Chigago turnpike company; each without amendment.

Also, an engrossed bill and joint resolution of the Senate,

No. 30—a joint resolution on the subject of the State Bank;

No. 143—an act for the promotion of schools, and education in Clark's grant; each with amendments, in which the concurrence of the Senate is requested.

The House of Representatives has also passed engrossed bills thereof, entitled as follows, to wit:

No. 55—an act declaring Sugar creek, in Park county a public highway;

No. 84—an act to legalize the acts of the recorder of Jackson county;

No. 276—an act to incorporate the mayor and common council of the town of Delphi;

No. 279—an act to incorporate the Michigan and Indiana rail road company;

No. 320—an act to incorporate the Logansport Insurance company;

No. 330—an act to incorporate the Peru and Rochester turnpike company;

No. 342—an act for the relief of the heirs of James H. Wallace;

No. 343—an act concerning lot No. 20, in the town of Jeffersonville;

No. 344—an act fixing the compensation of the commissioner of the saline lands in Orange county;

No. 348—an act specifically appropriating the three per cent. fund in Porter county.

No. 352—an act to incorporate the town of Greenboro'.

No. 353—an act for the relief of the children of James C. Lee.

No. 354—an act regulating the jurisdiction of justices of the peace in the county of Hendricks;

No. 355—an act to incorporate the town of Laporte, in Laporte county;

No. 356—an act to incorporate the exchange hotel company;

No. 359—an act for the relief of John Bell;

No. 360—an act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph river;

No. 361—an act to authorize Wetmore & Toby to erect a dam on the Wabash river, at the town of Murray, in Wells county;

No. 363—an act to amend an act, entitled, an act to incorporate the Mount Carmel and New Albany rail road company, approved Feb. 4, 1837;

No. 364—an act to repeal the 8th, 9th and 10th sections of the act, entitled, an act to incorporate the Clay county seminary trustees, approved Feb. 2, 1837;

No. 367—an act to legalize the sale of school section sixteen, in Porter county;

No. 368—an act regulating the mode of keeping stallions and jacks;

No. 369—an act for the relief of Edward Lane;

No. 370—an act to change the name of Middletown, in Washington county, to Claysville; and

No. 373—an act to incorporate the Armiesburg bridge company; in which the concurrence of the Senate is requested.

The amendment of the House, to No. 30, a joint resolution on the subject of the State Bank, originating in the Senate, was concurred in.

No. 143—an act for the promotion of schools and education in Clark's grant; with amendments.

On motion, the Senate concurred in amendments of the House,

No. 55—an act declaring Sugar creek, in Park county, a public highway; read a first time.

On motion of Mr. Puett,

The rules were suspended, and the bill read a second time.

On motion of Mr. Puett,

Laid on the table.

No. 84—[of the House,] an act to legalize the acts of the recorder of Jackson county; read a first time.

On motion of Mr. Hoagland,

The rules were suspended, the bill read a second and third time and passed.

No. 276—[of the House,] an act to incorporate the mayor and common council of the town of Delphi; read a first time.

On motion of Mr. Hoagland,

The rules were suspended, and the bill read a second time.

Mr. Mitchel moved to amend, by striking out the word "mode," and insert "place," in the 4th section; which was agreed to.

Mr. Mitchell moved further to amend the 21st section, by striking out the words "five," and insert "twenty;" which was consented to.

On motion of Mr. Finch,

The bill as amended, was considered as engrossed, the rules being suspended, the bill read a third time and passed.

No. 279—[of the House,] an act to incorporate the Michigan and Indiana rail road company; read a first time.

On motion of Mr. Thompson of L.,

The rules were suspended, the bill read a second time.

Mr. Puett moved to refer the bill to the committee of canals and internal improvements; which was not consented to.

Mr. Crawford moved to refer it to a select committee; which was agreed to.

Ordered, That that committee be composed of Messrs. Crawford, Baird, Ewing, Mitchell and Trask.

No. 320—[of the House,] an act to incorporate the Logansport insurance company; read a first time.

On motion of Mr. Ewing,

The rules were suspended, and the bill read a second time.

Mr. Mitchell moved to refer it to the committee on corporations.

Mr. Kennedy moved that the bill be indefinitely postponed.

On which question, the ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Brady, Colerick, Kennedy, Mitchell, Moffitt, Morgan of D., Morgan of R., Puett, Stanford, Turman, Thompson of J., Thompson of L. and Watts of D,—13.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Casey, Cathcart, Clark, Cole, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hacket, Hoagland, Moore, Mount, Smith, Stewart, Thompson of P., Trask, Tuley, Watt of U. and Vawter—28.

So the bill was not indefinitely postponed.

On motion of Mr. Ewing,
Referred to the judiciary committee.

On motion, Senate adjourned.

2 o'clock P. M.

Senate assembled.

On motion of Mr. Thompson of L.,
The Senate adjourned to meet again at the usual hour on Monday morning.

MONDAY MORNING, FEB. 12, 1838.

Senate assembled.

Mr. Dunning moved that the Senate proceed to the election of a President *pro tem*;

Whereupon, the Senate elected Mr. Amaziah Morgan, by unanimous consent.

Mr. Stanford from the joint committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills, report that they have compared the enrolled with the engrossed bills of the Senate:

No. 58—An act to locate a State road in the county of Boon,

No. 106—An act to amend the charter of the borough of Vincennes,

No. 40—An act to incorporate a certain Company therein named, &

No. 26—An act to incorporate the Marion and Mississinawa Bridge Company,

And find the same truly enrolled.

The following bills being part of an unfinished message from the House were taken up:

No. 330, of the House—A bill to incorporate the Peru and Rochester Turnpike Company; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, read a second time and referred to the judiciary committee.

No. 342, of the House—A bill for the relief of the heirs of James H. Wallace; which was read a first time:

On motion of Mr. Thompson of L., the rules were suspended, the bill read a second and third times and passed..

No. 343—An act concerning lot number twenty in the town of Jeffersonville; which was read a first time.

On motion of Mr. Crawford, the rules were suspended and the bill read a second time.

On motion of Mr. Stanford referred to the judiciary committee.

No. 344—An act fixing the compensation of the Commissioners of the saline lands in Orange county;

Which was read a first time.

On motion of Mr. Hoagland the rules were suspended, the bill read a second and third time and passed.

No. 348, of the House—An act specifically appropriating the three per cent. fund in Porter county, which was read a first time.

On motion of Mr. Crawford, the rules were suspended, the bill read a second and third times, and passed.

No. 352, of the House—A bill to incorporate the town of Greensboro; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, read a second time, and referred to the judiciary committee.

No. 353, of the House—An act for the relief of the children of James C. Lee; which was read the first time.

On motion of Mr. Dunn the rules were suspended, read a second and third times and passed.

No. 354—An act regulating the jurisdiction of justices of the peace in the county of Hendricks; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended and the bill read a second time.

On motion of Mr. Little, said bill was laid on the table.

No. 355—A bill to incorporate the town of Laporte, in Laporte county; which was read a first time.

On motion of Mr. Crawford, the rules were suspended, the bill read a second time and referred to the judiciary committee.

No. 356.—A bill to incorporate the Exchange Hotel Company; which was read a first time.

On motion of Mr. Crawford, the rules were suspended, the bill read a second time.

On motion of Mr. Thompson of L., referred to the judiciary committee.

No. 359—An act for the relief of John Bell; read a first time.

On motion of Mr. Morgan of R., the rules were suspended, the bills read a second and third times and passed.

No. 360—An act to authorize R. J. Dawson and J. Spencer to erect a mill-dam across the St. Joseph River; which was read a first time.

On motion of Mr. Crawford, the rules were suspended, the bills read a second and third times and passed.

No. 361.—An act to authorize Wetmore and Toby to erect a dam on the Wabash river at the town of Murray in Wells county;

Which was read a first time.

On motion of Mr. Crawford, the rules were suspended, the bill read a second and third times and passed.

No. 363—An act to amend an act entitled an act to incorporate the Mount Carmel and New Albany Rail Road Company, approved Feb. 4th, 1837; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended and the bill read a second time.

On motion of Mr. Stewart, the rules were suspended, the bill read a third time and passed.

No. 364—An act to repeal the 8th, 9th, and 10th sections of an act entitled, an act to incorporate the Clay county Seminary Trustees, approved, February 2d, 1837; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bills read a second and third times and passed.

No. 367—An act to legalize the sale of school section 16, in Porter county; which was read a first time.

On motion of Mr. Crawford, the rules were suspended, and read a second and third times, and passed.

No. 368—An act regulating the mode of keeping of Stallions and jacks; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, & the bill read a second and third times and passed.

No. 369—An act for the relief of Edward Law; which was read a first time.

On motion of Mr. Cole, read a second and third times, the rules being suspended, and passed.

370—An act to change the name of Middletown in Washington county to Claysville; which was read a first time.

On motion of Mr. Baird, the rules were suspended and the bill read a second time.

On motion of Mr. Hackett, the rules were further suspended, and the bill read a third time and passed.

No. 373—An act to incorporate the Armiesburg Bridge Company; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended and the bill read a second time and referred to the judiciary committee.

The following message was received from the House of Representatives, by Mr. Elliott their Clerk:

The president having signed bills Nos. 100, 192, 93, 282, 67, 154, 120, 206, 119, 157, 249, 95, 97, 86, 111, 39, 77, 281, 10, 156, 150, 297, 158, 82, 238, 292, 285, 230, 181,—and of the Senate, Nos. 181, 180, 112, 172, 177, 97, and 45, they were handed to the committee to be presented to the governor for his approval and signature.

No. 43—[of the Senate,] an act to alter and define the boundary lines of Grant county.

With an amendment by the House. The Senate refused to concur in the amendment.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. President—

I am instructed by the House of Representatives, to inform the

Senate that the House of Representatives has passed engrossed bills and a joint resolution of the Senate, entitled as follows:

No. 45—an act authorizing the construction of a bridge over White river on the Michigan road;

No. 58—an act to locate a State road in the county of Boon;

No. 97—an act authorizing the arresting and securing of fugitives from justice;

No. 112—a joint resolution for the benefit of the collector of Clark county, for 1837;

No. 172—an act establishing fire companies;

No. 177—an act legalizing certain proceedings in relation to the sale of certain school lands in Cass county;

No. 180—an act to authorize Asher Wilcox to erect a dam across the east fork of White river, in Lawrence county;

No. 181—an act to provide for the establishment of a horse boat ferry therein named, across the Wabash river, at the town of Attica—each without amendment. Also,

No. 43—an act to alter and define the boundary lines of Grant county;

With an amendment, in which the concurrence of the Senate is requested.

The House of Representatives has also passed engrossed bills, and joint resolution thereof, entitled as follows:

No. 18—an act to amend the act for opening and repairing public roads and highways, approved Feb. 10, 1831;

No. 90—an act to incorporate the Knightstown canal manufacturing and trading company;

No. 108—an act to authorize the erection of a mill dam across the Wabash river;

No. 112—an act to fill certain vacancies in commissions therein named;

No. 113—an act to provide for the improvement of the navigation of the Big St. Joseph river.

No. 134—an act to incorporate the town of Indianapolis, in Marion county;

No. 203—an act to incorporate the Richmond and Brookville canal company;

No. 261—an act to vacate the town of Grand View, in Clinton county;

No. 264—an act to authorize Mary Butler to convey certain real estate;

No. 284—an act to incorporate the St. Joseph bridge company;

No. 286—an act to amend an act, concerning the seminary township of land in Gibson and Monroe counties, approved Jan. 27, 1837—approved Feb. 8, 1834;

No. 288—an act to legalize the acts of the trustees of the town of Putnamsville, in the county of Putnam;

No. 289—an act to incorporate the Warsaw manufacturing company;

No. 290—an act to appropriate the three per cent. fund of Stark county;

No. 294—a joint resolution concerning the distribution of a portion of the revised laws of the present session;

No. 295—an act to incorporate the Calumet bridge company;

No. 298—an act authorizing the sale of certain lands in Dubois county;

No. 304—an act to legalize the sale of certain school lands in Orange county;

No. 307—an act supplementary to an act to locate a State road from Salem to Charlestown;

No. 310—a joint resolution for the relief of Burwell R. Still;

No. 313—a joint resolution for the benefit of the collector of Fountain county, for the year 1837; and

No. 319—a joint resolution of the General Assembly of the State of Indiana, relative to the binding of the revised laws of 1838.

In which bills and joint resolutions of the House of Representatives the concurrence of the Senate is requested.

The speaker of the House of Representatives having signed enrolled bills of the House, entitled as follows, to wit:

No. 24—an act to incorporate the Morgan county seminary;

No. 105—an act to incorporate the Rockport steam mill manufacturing company;

No. 119—an act to locate a State road from Franklin in Wayne county, to Huntington, on the Wabash and Erie canal;

No. 122—an act relative to the county library of Sullivan county;

No. 155—an act to change the name of the town of Carthage, in Harrison county;

No. 159—an act to authorize the election of an additional justice of the peace in Hendricks county;

No. 169—a joint resolution relative to refuse lands on the Wabash river;

No. 177—an act to legalize the proceedings of the board of justices in the county of Decatur;

No. 184—an act declaring Turman's creek a public highway;

No. 231—an act authorizing the election of an additional justice of the peace in Clinton township, in Vermillion county;

No. 243—an act to provide for the payment of clerks employed by the revising and investigating committees, during the present session of the General Assembly, and for other purposes; and

No. 252—an act for the relief of James Sutfin;

And also, of the Senate,

No. 51—an act to authorize the treasurer of Dearborn county to pay over certain road tax in his hands;

No. 56—an act to enable the school commissioner of Ripley county to do certain acts;

No. 92—an act for the relief of Thomas P. Miller;

No. 99—an act to amend an act, entitled, an act to incorporate the Buffalo and Mississippi rail road company;

No. 156—an act for the relief of the owners of certain forfeited lands and town lots in Tippecanoe county;

And of the House of Representatives,

No. 151—an act changing the name of Edinburgh, in Franklin county;

I am instructed to bring them to the Senate for the signature of the president thereof.

No. 18—An act to amend the act for opening and repairing public roads and highways; approved Feb. 10, 1831; read a 1st time.

On motion of Mr. Stewart the rules of the Senate were suspended and the bill read a 2d and 3d times and passed;

No. 90—A bill to incorporate the Knightstown Canal, Manufacturing and Trading Company; read a 1st time;

On motion of Mr. Stanford, the rules were suspended, the bill read a 2d time and referred to the judiciary committee;

No. 108—An act to authorize the erection of a mill dam across the Wabash river; read a 1st time.

On motion of Mr. Colerick the rules were suspended, the bill read a 2d and third times and passed;

No. 112—An act to fill certain vacancies therein named; read a 1st time;

On motion of Mr. Cathcart the rules were suspended, and the bill read a 2d and 3d times and passed;

No. 113—A bill to provide for the improvement of the navigation of the Big St. Joseph river; read a 1st time.

On motion of Mr. Dunn, the rules were suspended, and bill read a 2d time.

On motion of Mr. Baird, referred to the judiciary committee;

No. 203—An act to incorporate the Richmond and Brookville Canal Company; read a 1st time.

On motion of Mr. Elliott, the rules were suspended, the bill read a 2d time and referred to the judiciary committee;

No. 134—An act to incorporate the town of Indianapolis, in Marion county; read a 1st time.

On motion of Mr. Kennedy the rules were suspended, read a 2d time and referred to the judiciary committee;

No. 261—An act to vacate the town of Grandview, in Clinton county; read a 1st time.

On motion of Mr. Finch the rules were suspended, the bill read a 2d and 3d times, and passed;

No. 264—An act authorizing Mary Butler to convey certain real estate; read a 1st time.

On motion of Mr. Dunn the rules were suspended, the bill read a 2d and 3d times and passed;

No. 284—A bill to incorporate the St. Joseph Bridge Company; read a 1st time.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 2d time, and referred to the judiciary committee;

No. 286—An act to amend an act concerning the Seminary town-

ship of land in Gibson and Monroe counties, approved Jan. 27th, 1827; approved Feb. 8th, 1834. Read a 1st time.

On motion of Mr. Dunning, the rules were suspended, the bill read a 2d and 3d times and passed;

No. 288—An act to legalize the acts of the trustees of the town of Putnamville in the county of Putnam; read a 1st time;

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 2d and 3d times and passed;

No. 289—An act to incorporate the Warsaw Manufacturing Company; read a 1st time;

On motion of Mr. Crawford, the rules were suspended, and the bill read a 2d time;

On motion of Mr. Baird referred to Messrs. Baird, Crawford, and Colerick;

No. 290—A bill to appropriate the three per cent. fund of Stark county; read a 1st time.

On motion of Mr. Baird, the bill was rejected;

No. 294—A joint resolution concerning the distribution of a portion of the revised laws of the present session; read a 1st time;

On motion of Mr. Thompson of L. the rules were suspended, and the bill read a 2d time. Mr. Thompson of L. moved to amend by striking out the last clause of the resolution.

On motion of Mr. Clark referred to the judiciary committee;

No. 295—An act to incorporate the Calumet Bridge Company; read a 1st time.

On motion of Mr. Elliott the rules were suspended and the bill read a 2d time.

On motion of Mr. Thompson of L. referred to the judiciary committee;

No. 298—A bill authorizing the sale of certain lands in Dubois county; read a 1st time.

On motion of Mr. Stewart the rules were suspended and read a 2d time and referred to the judiciary committee;

No. 304—An act to legalize the sale of certain school lands in Orange county; read a 1st time.

On motion of Mr. Chambers the rules were suspended, the bill read a 2d and 3d times and passed;

No. 307—An act supplementary to an act to locate a state road from Salem to Charlestown; read a 1st time.

On motion of Mr. Daily the rules were suspended, the bill read a 2d and 3d times and passed;

No. 310—A joint resolution for the relief of Burwell R. Stitt; read a 1st time.

On motion of Mr. Hoagland, the rules were suspended, and read a 2d time. On motion of Mr. Hackett the rules were further suspended, the bill read a 3d time and passed;

No. 313—A joint resolution for the benefit of the collector of Fountain county, for the year 1837; read a 1st time.

On motion of Mr. Stanford the rules were suspended and read a 2d

time. On motion of Mr. Finch the rules were further suspended, the bill read a 3d time; and,

No. 319—A joint resolution of the General Assembly of the State of Indiana, relative to the binding of the revised laws of 1838; read a 1st time.

On motion of Mr. Clark, the rules were suspended, the bill read a 2d time and referred to the judiciary committee.

The President having signed enrolled bills of the House mentioned in the message, to-wit: Nos. 24, 105, 119, 122, 155, 159, 169, 177, 184, 231, 243, 252; and of the Senate, to-wit: Nos. 51, 56, 92, 99, 156; they were handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives by Mr. Elliott their clerk.

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House, No. 374, entitled an act amendatory of an act to provide for a general system of internal improvement, approved Jan. 27th, 1836, in which the concurrence of the Senate is respectfully requested.

The bill was read a 1st time.

On motion of Mr. Thompson of L. the rules were suspended, and the bill read a 2d time. Mr. Thompson of L. moved to refer it to the judiciary committee.

Mr. Sigler moved that it be indefinitely postponed; which was agreed to.

On which question the ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bradbury, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Kennedy, Moffitt, Sigler, Stafford, Thompson of J., Thompson of L., Tuley, Watt of U. and Vawter—23.

Those who voted in the negative were,

Messrs. Casey, Daily, Ewing, Finch, Hackett, Hoagland, Little, Mitchell, Moore, Morgan of D., Morgan of R. Mount, Puett, Smith, Stanford, Stewart, Turman, Thompson of P., Trask, Walker and Watts of D.—21.

The following message was received from the House of Representatives, by Mr. Hanna their member:

Mr. PRESIDENT—

The House of Representatives have passed a joint resolution au-

thorizing the clerk of the Marion circuit court to remove his records to the east room of the clerk's office of the supreme court, to which the concurrence of the Senate is respectfully requested; read a 1st time.

On motion of Mr. Stafford the rules were suspended and read a 2d time.

Mr. Mitchell moved to amend, by inserting a proviso, for payment of a reasonable rent.

Mr. Thompson of P. moved to indefinitely postpone; which was agreed to.

The following message was received from the House of Representatives, by Mr. Judah their member:

Mr. PRESIDENT—

The House of Representatives has instructed me to inform the Senate that the House has passed an engrossed bill of the House entitled No. 106, a bill to confirm the State Bank of Indiana in its franchise, and to request the concurrence of the Senate therein; read a 1st time, and ordered to a 2d reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives have receded from their disagreement to the amendment of the Senate to the resolution of the House of Representatives instructing the joint committee on revision to report a bill limiting the number of fund commissioners to two, to be elected by the joint ballot of the two Houses, by striking out the words "joint ballot of the two Houses," and inserting "joint viva voce of the two Houses of the General Assembly."

The House of Representatives has concurred in the amendment of the Senate to the amendment to the House to the engrossed bill of the Senate, No. 9, an act to incorporate the Delphi Bridge Company.

The House of Representatives insist on their amendment to the bill of the Senate, No. 81, an act regulating damages on protested bills of exchange.

* The House of Representatives has refused to concur in the 1st and 2d amendments of the Senate to the bill of the House, No. 35, an act relative to the Vincennes University, and has concurred in the 3d amendment of Senate to said bill.

The House of Representatives has concurred in the amendments of the Senate to the engrossed bill of the House, No. 82, an act appropriating the three per cent. fund belonging to the county of Warren.

Also the House has concurred in the amendments of the Senate to the engrossed bill of the House, No. 292, an act appointing bridge

and road commissioners in the counties of Spencer and Perry and defining their powers and duties.

The House of Representatives has concurred in the amendments of the Senate to the engrossed bills of the House of Representatives entitled, No. 158, an act to incorporate the Harrison and Napoleon Turnpike Company;

No. 297—An act to incorporate the Marion Guards."

On motion of Mr. Thompson of L. the Senate insists upon their amendment to the bill of the House, No. 81.

Ordered, That Messrs. Thompson of L. and Baird be a committee of free conference on the part of the Senate, to meet with a similar committee on the part of the House, to adjust the difference of the two Houses, ordered that the House be informed thereof.

On motion of Mr. Moffitt the Senate recede from the 1st and 2d amendment to the bill of the House, No. 35, ordered that the House be informed thereof.

The following message received from the House of Representatives by Mr. Proffitt:

Mr. PRESIDENT—

I am directed to inform the Senate that the House of Representatives has concurred in the 1st amendment of the Senate to the bill of the House of Representatives, entitled,

No. 172—An act to incorporate the Wabash hotel company with an amendment:

By striking out "seventy five" and insert "one hundred;" and refuse to concur in the 2d amendment of the Senate to said bill:

The House of Representatives has concurred in the amendment of the Senate to the engrossed bill of the House of Representatives,

No. 67—An act concerning state roads therein named.

The House of Representatives has passed an engrossed bill thereof, entitled,

No. 85—An act to amend an act entitled an act regulating the admission and practice of attorneys and counsellors at law, approved Jan. 31, 1824;

In which the concurrence of the Senate is respectfully requested.

On motion of Mr. Colerick, the Senate insist upon their 2d amendment to the bill of the House No. 172.

No. 85, bill of the House, an act to amend an act entitled an act regulating the admission and practice of attorneys and counsellors at law, approved Jan. 31, 1824;

Read a 1st time; on motion of Mr. Colerick, the rules were suspended and the bill read a 2d and 3d times and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT--

The House of Representatives has refused to concur in the amendments of the Senate to engrossed bills of the House,

No. 89--An act organizing Jasper county.

The House of Representatives has concurred in the amendments of the Senate to the engrossed bills of the House, entitled,

No. 160--An act to locate a state road from the west line of Hancock county to Newcastle in Henry county;

No. 211--An act to incorporate the Crawfordsville and Williamsport turnpike company;

No. 213--An act giving to the State of Illinois the right of way within this state to connect the northern cross rail road in Illinois, with the Wabash and Erie canal at Covington; and,

No. 267--An act to incorporate the Indiana manufacturing company.

The House of Representatives has passed engrossed bills of the Senate, entitled,

No. 165--An act to incorporate the Northfield manufacturing company;

No. 312--An act to appropriate a part of the 3 per cent. fund of Crawford county, &c; each without amendment.

Mr. Vawter moved that the Senate recede from their amendment to the bill of the House No. 89; which was agreed to.

On which motion the ayes and noes were ordered;

Those who voted in the affirmative were,

Messrs. Bell, Bradbury, Casey, Chambers, Cole, Dobson, Dunning, Green, Hackett, Hoagland, Moffitt, Moore, Morgan of D., Mount, Puett, Smith, Stafford, Stewart, Turman, Thompson of J., Thompson of P., Tuley, and Vawter--23.

Those who voted in the negative were,

Messrs. Beard, Bowen, Cathcart, Clark, Crawford, Daily, Dunn, Elliott, Ewing, Finch, Kennedy, Little, Mitchell, Morgan of R., Stanford, Walker, Watts of D. and Watt of U.--18.

The President laid before the Senate a communication from the State Board of Internal Improvement, in answer to a resolution relative to reducing the number of engineers;

On motion of Mr. Crawford, laid on the table.

The President laid before the Senate a report from the State Board of Public Works, relative to the public works contemplated to be put under contract the ensuing season;

On motion of Mr. Clark, laid on the table.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

The House of Representatives has passed engrossed bills thereof, entitled as follows, viz:

No. 328—An act to legalize the conveyance of lot No. 1, in Princeton, Gibson county to the board of trustees of the Gibson county seminary;

No. 331—An act to authorize the election of trustees of the county library of Dubois county;

No. 332—An act to authorize the exchange of ground between the state and William Rockhill;

No. 336—An act to determine the manner in which a division of the county of Greene may be made; and,

No. 337—An act to amend an act entitled an act for the relief of David Wilburn, approved Feb. 4, 1837;

In which the concurrence of the Senate is respectfully requested.

No. 328—An act to legalize the conveyance of lot No. 1, in Princeton, Gibson county to the board of trustees of the Gibson county seminary; read 1st time;

On motion of Mr. Stewart; the rules were suspended, the bill read a 2d and 3d times and passed.

No. 331—An act to authorize the election of trustees of the county library of Dubois county;

Read 1st time; on motion of Mr. Stewart, the rules were suspended, the bill read a 2d and 3d times and passed.

No. 332—An act to authorize the exchange of ground between the state and William Rockhill; read a 1st time;

On motion of Mr. Colerick, the rules were suspended, read a 2d and 3d times and passed.

No. 336—An act to determine the manner in which a division of the county of Greene may be made; read 1st time;

On motion of Mr. Dobson, the rules were suspended, the bill read a 2d time and referred to Messrs. Dobson, Dunning, Thompson of L. and Moore.

No. 337—An act to amend an act entitled an act for the relief of David Wilburn, approved Feb. 4, 1837; read a 1st time;

On motion of Mr. Stewart, the rules were suspended, the bill read a 2d and 3d times and passed.

No. 338—An act to locate a state road in Vigo county; read a first time;

On motion of Mr. Moffitt, the rules were suspended, the bill read a 2d and 3d times and passed.

On motion of Mr. Dunn, the rules were suspended and he obtained leave to introduce a petition from John Simmons and others relative to a road therein named;

Referred to Messrs. Dunn, Hoagland and Daily.

Mr. Ewing introduced a petition from Wm. Chase and other citizens of Cass county, praying for an extra session next May;

Referred to Messrs. Ewing, Finch and Clark.

Mr. Little presented a petition from Daniel B. McMillan and others, praying a new review of a state road therein named;

Referred to Messrs. Little, Stafford and Cole.

On motion, the Senate adjourned.

2 o'clock, P. M.

Senate assembled,

Mr. Tuley moved to re-consider the vote receding from the amendment made by the Senate to the bill of the House organizing Jasper county No. 89.

The Senate refused to recede.

On motion of Mr. Cathcart, the Senate insists upon their amendment.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate entitled as follows, to-wit:

No. 84—An act respecting apprentices;

No. 90—An act to improve the breed of horses; each without amendment.

The House of Representatives has also passed engrossed bills thereof, entitled as follows, to-wit:

No. 133—An act regulating prisons and prison bounds;

No. 144—An act regulating distress for rent;

No. 145—An act regulating the action of replevin;

No. 165—An act authorizing the action of disseisin;

No. 167—An act concerning enclosures and trespassing animals;

No. 168—An act to regulate medical societies;

No. 175—An act directing the mode of suing out and prosecuting writs of Habeas corpus;

No. 186—An act to authorize the seizure of boats and other vessels for debt;

No. 187—An act in relation to proceedings upon writs of mandamus and informations in the nature of quo warranto;

No. 188—An act against forcible entry and detainer;

No. 195—An act to provide for carrying into effect the laws in new counties;

No. 224—An act concerning vagrants;

No. 226—An act relative to limited partnerships;

No. 227—An act for the safe keeping of prisoners committed under the authority of the United States;

No. 228—An act defining and regulating privileges;

No. 225—An act concerning tenants holding over;

No. 254—An act authorizing the appointment of constables and defining their duties;

No. 271—An act to encourage the killing of wolves;

No. 371—An act to provide for the sale of certain lots at Indianapolis, and for other purposes;

No. 136—An act regulating divorces; and

No. 146—An act to prevent unlawful gaming;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills and a joint resolution of the House of Representatives, entitled as follows:

No. 257—A joint resolution on the subject of a donation of public lands on the Erie and Michigan canal;

No. 277—An act to change the character of a part of the Madison and Lafayette road;

No. 123—An act providing for the sale of certain school lands in the county of Sullivan;

No. 124—An act relating to the acts of householders in the county of Lake;

No. 258—An act for the relief of the collector of Jay county;

No. 92—An act to incorporate the Paoli savings institution;

No. 191—An act for the relief of John Matthews;

No. 61—An act for the relief of Henry Matthews; and,

No. 213—An act giving to the State of Illinois the right of way within this state, to connect the northern cross rail road in Illinois, with the Wabash and Erie canal at Covington;

And also of the Senate,

No. 58—An act to locate a state road in the county of Boone;

No. 106—An act to amend the charter of the Borough of Vincennes; and

No. 40—An act to incorporate a certain company therein named;

I am directed to bring them to the Senate for the signature of the President thereof.

The president having signed bills mentioned in the message, to wit: Nos. 257, 277, 123, 124, 258, 92, 191, 61, 213, 58, 106 and 40; they were handed to the committee to be presented to the governor for his approval and signature.

No. 138—an act regulating prisons and prison bounds; read a first time.

On motion of Mr. Daily,

The rules were suspended, and the bill read a second time.

Mr. Finch moved to amend, by striking out the word "State," and insert "county;" which was agreed to.

Mr. Crawford moved to suspend the rules, and read the bill a third time; which was agreed to.

The bill was then read a third time and passed.

No. 144—an act regulating distress for rent; read a first time;

On motion of Mr. Crawford,

The rules were suspended, and the bill read a second and third time and passed.

No. 145—a bill regulating the action of replevin; read a first time.

On motion of Mr. Stanford,

The rules were suspended, and the bill read a second time.

On motion of Mr. Clark,

The bill was read a third time and passed.

No. 165—an act authorizing the action of dissiesin; read a 1st time.

On motion of Mr. Thompson of P.,

The rules were suspended, and read a second time.

On motion of Mr. Kennedy,

The rules were further suspended, and read a third time and passed.

No. 167—an act concerning enclosures and trespassing animals;—read a first time.

On motion of Mr. Vawtér,

The rules were suspended, and the bill read a second time.

On motion of Mr. Kennedy,

The rules were further suspended, the bill read a third time and passed.

No. 168—an act to regulate medical societies; read a first time.

On motion of Mr. Kennedy,

The rules were suspended, and the bill read a second time.

On motion of Mr. Mitchell, laid on the table.

No. 175—an act directing the mode of prosecuting and suing out writs of habeas corpus; read first time.

On motion of Mr. Kennedy,

The rules were suspended, and read a second time.

On motion of Mr. Dunning, referred to the judiciary committee.

No. 186—an act to authorize the seizin of boats and other vessels for debt; read a first time.

On motion of Mr. Thompson of P.,

The rules were suspended, and the bill read a second time.

On motion of Mr. Moffitt,

Referred to a select committee of Messrs. Moffitt, Thompson of P., and Tuley.

No. 187—an act in relation to proceedings upon writs of mandamus, and informations in the nature of quo warranto; read a 1st time.

On motion of Mr. Brady,

The rules were suspended, and the bill read a second and third times and passed.

No. 188—an act against forcible entry and detainer; read 1st time.

On motion of Mr. Brady,

The rules were suspended, and the bill read a second time.

Mr. Brady moved to amend by inserting, "or of any unlawful or forcible detainer of the same." Consented to.

Mr. Clark moved to amend by striking out "small," and insert "other;" which was agreed to.

On motion of Mr. Kennedy,

The rules were further suspended, the bill read a third time and passed.

No. 195—an act to provide for carrying into effect the laws in new counties; read a first time.

On motion of Mr. Kennedy,

The rules were suspended, and read a second time.

On motion of Mr. Kennedy,

The rules were further suspended, the bill read a third time and passed.

No. 224—an act concerning vagrants; read first time.

On motion of Mr. Daily,

The rules were suspended, and the bill read a second time.

Mr. Kennedy moved to amend by inserting, after the word subsistences, "all persons who are guilty of habitual drunkenness." On motion, the bill was read a third time and passed.

No. 226—an act relative to limited partnerships; read a first time.

On motion of Mr. Baird,

The rules were suspended and the bill read a second time.

On motion of Mr. Brady, read a third time and passed.

No. 227—an act for the safe keeping of prisoners, committed under the authority of the United States; read a first time.

On motion of Mr. Dobson,

The rules were suspended and the bill read a second and third times and passed.

No. 228—an act defining and regulating privileges; read a first time.

On motion of Mr. Thompson of P.,

The rules were suspended, and read a second time.

Mr. Baird moved to amend the 4th section, by inserting the word "Sunday." Agreed to.

On motion of Mr. Thompson of L. the bill was considered as engrossed, read a third time and passed.

On motion of Mr. Dunning,

The vote on the third reading, and passage of bill No. 227, relative to the safe keeping of prisoners, was re-considered, and referred to Messrs. Colerick and Dunning.

No. 225—an act concerning tenants holding over; read a first time.

On motion of Mr. Thompson of L.,

The rules were suspended, and the bill read a second time.

On motion of Mr. Brady,

The rules were further suspended, read a third time and passed.

No. 254—an act authorizing the appointment of constables and defining their duties; read a first time.

On motion of Mr. Thompson of L.,

The rules were suspended, the bill read a second and third times and passed.

No. 271—an act to encourage the killing of wolves; read a 1st time.

On motion of Mr. Brady,

The rules were suspended, and the bill read a second time.

Mr. Elliott moved to amend, by striking out the word "50 cents;" which was not agreed to.

Mr. Thompson of P. moved to amend, by excepting "prairie wolfs." On which amendment the ayes and noes were ordered.

Those who voted in the negative were,

Messrs. Bradbury, Brady, Chambers, Clark, Cole, Daily, Dunn, Dunning, Elliott, Finch, Green, Hackett, Little, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stafford, Stanford, Stewart, Thompson of J., Thompson of P., Tulley, Walker, Watts of D. and Watt of U.—28.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Cathcart, Colerick, Crawford, Dobson, Ewing, Hoagland, Kennedy, Mitchell, Mount, Sigler, Turman, Thompson of L., Trask and Vawter—18.

So the amendment was adopted.

Mr. Cathcart moved to amend, by inserting the following: "fifty cents on prairie wolves, out of the State Treasury."

Mr. Stewart moved to indefinitely postpone the bill; which was agreed to.

On which question the ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Beard, Bowen, Bradbury, Brady, Cathcart, Clark, Daily, Dunn, Dunning, Elliott, Finch, Green, Hackett, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Puett, Smith, Stafford, Stanford, Stewart, Turman, Thompson of P., Watts of D., and Watt of U.—28.

Those who voted in the negative were,

Messrs. Baird, Bell, Chambers, Cole, Colerick, Crawford, Dobson, Ewing, Hoagland, Kennedy, Mount, Sigler, Thompson of J., Thompson of L., Trask, Tulley, Walker, and Vawter—18.

No. 371—An act to provide for the sale of certain lots at Indianapolis, and for other purposes; read a 1st time.

On motion of Mr. Thompson of P. the rules were suspended and the bill read a 2d time.

On motion of Mr. Thompson of L. the bill was indefinitely postponed.

No. 146—An act to prevent unlawful gaming; read a 1st time.

On motion of Mr. Colerick the rules were suspended and the bill read a 2d time.

Mr. Clark moved to amend by adding "upon the result of any election." Which was agreed to.

On motion of Mr. Dunning the rules were further suspended, the bill read a 3d time and passed.

Mr. Sigler from a select committee reports:

Mr. PRESIDENT—

The committee on claims to which was referred the claim of Lanier and Stapp as attorneys' fees in commencing and carrying to final judgment in the Dearborn circuit court the case of the state of Indiana, vs. L. Miller and others for the Salt Lick deeds; have had that subject under consideration, and directed me to report the following resolution, in compliance with the petition of the claimants, viz:

Resolved, That the standing committee on ways and means be instructed to incorporate a provision in the specific appropriation bill allowing Lanier and Stapp \$250 00, as all the attorneys' fees in commencing and carrying to final judgment in the Dearborn circuit court in the case of the state of Indiana vs. L. Miller and others for the Salt Lick deeds.

On motion of Mr. Clark, laid on the table.

Leave granted, Mr. Smith from the committee on elections reports:

Mr. PRESIDENT—

The committee on elections to which was referred the credentials of members of the Senate elected on the first Monday in August, 1837, have according to order had that subject under consideration, and after examination have found said credentials legally authenticated, and that all Senators elected, as aforesaid are entitled to seats in this Senate according to the terms of their election, which credentials are herewith reported, and the committee ask to be discharged from the further consideration of that subject.

The committee were discharged.

No 136, of the House, an act relative to adjourning; read a 1st time.

On motion of Mr. Thompson of L. the rules were suspended and the bill read a 2d time and referred to the judiciary committee:

On motion of Mr. Thompson of L. the resolution from the House relative to adjourning was taken up.

Mr. Thompson of L. moved that it be indefinitely postponed; which was agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Casey, Chambers, Clark, Cole, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Green, Hoagland, Moffitt, Morgan of D. Puett, Sigler, Smith, Stafford, Stewart, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, and Vawter—30.

Those who voted in the negative were,

Messrs. Brady, Colerick, Ewing, Finch, Hackett, Little, Mitchell, Moore, Morgan of R., Mount, Stanford, Turman, Walker, Watts of D. and Watt of U.—15.

Leave being granted Mr. Cole introduced

No. 319—A bill to provide for the further improvement of the Michigan road, north of Napoleon; read a 1st time.

Mr. Kennedy moved that the bill be rejected.

Mr. Puett moved that the Senate adjourn; which was not agreed to.

On the question, shall the bill be rejected? the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bradbury, Elliott, Kennedy, Little, Mount, Puett, Stafford, Stanford, and Watt of U.—9.

Those who voted in the negative were,

Messrs. Baird, Beard, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Ewing, Finch, Green, Hackett, Hoagland, Mitchell, Moore, Morgan of D., Morgan of R., Smith, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D. and Vawter—34.

Mr. Ewing moved that the rules be suspended and the bill be read a 2d time; which was not agreed to

On which the ayes and noes were ordered:

Those who voted in the affirmative were,

Messrs. Baird, Brady, Casey, Cathcart, Chambers, Cole, Colerick, Crawford, Dobson, Ewing, Finch, Green, Hackett, Moore, Morgan of D., Smith, Stewart, Trask, Tuley, Walker, and Watts of D.,—21.

Those who voted in the negative were,

Messrs. Beard, Bowen, Bradbury, Clark, Daily, Dunn, Dunning, Elliott, Hoagland, Kennedy, Little, Mitchell, Moffitt, Morgan of R., Mount, Puett, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Thompson of P., Watt of U., and Vawter—24.

Ordered to a 2d reading on to-morrow.

Leave being granted, Mr. Mitchell introduced.

No. 320—A bill to change the name of Mauksport to that of Newmarket; read a 1st time.

On motion of Mr. Mitchell the rules were suspended and the bill read a 2d time.

On motion of Mr. Little, the rules were further suspended read a 3d time and passed.

Leave granted, Mr. Vawter presented the following resolution:

Resolved, That when this Senate next adjourns it will adjourn to meet on to-morrow at eight o'clock; which was agreed to.

Mr. Moffitt from the select committee made the following report:

MR. PRESIDENT—

The committee to which was referred the correspondence between the late Executive of this state and the Commissioner of the General Land Office on the subject of the extension of the grant of land for the Wabash and Erie canal from the mouth of Tippecanoe river to Terre-Haute, have had the same under consideration and have instructed me to report the following joint resolution, the adoption of which they respectfully recommend to the Senate.

No. 321—A joint resolution on the subject of extending the grant of land for the Wabash and Erie canal; read a 1st time.

On motion of Mr. Moffitt, the rules were suspended, read a 2d and 3d time and passed.

Mr. Mount from the committee on enrolled bills made the following report:

MR. PRESIDENT--

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed joint resolution and bills of the House,

No. 92—An act to incorporate the Paoli Savings Institution;

No. 191—An act for the relief of John Matthews;

No. 61—An act for the relief of Henry Matthews;

No. 124—An act relating to the acts of householders in the county of Lake;

No. 123—An act providing for the sale of certain school lands in the county of Sullivan;

No. 258—An act for the relief of the collector of Jay county;

No. 277—An act to change the character of a part of the Madison and Lafayette road;

No. 213—An act giving to the state of Illinois the right of way within this state to connect the northern Cross rail road in Illinois with the Wabash and Erie canal at Covington;

No. 257—A joint resolution on the subject of a donation of public lands on the Erie and Michigan canal.

And find the same truly enrolled.

Mr. Mount from the joint committee on enrolled bills made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House:

No. 153—An act for the relief of Campbell Dale;

No. 160—An act to locate a state road from the west line of Hancock county to New Castle in Henry county.

No. 280—An act to incorporate the Elizabeth Steam Mill Boat, Ship Yard and Manufacturing Company;

And find the same truly enrolled.

The following message was received from the Governor by his private secretary:

MR. PRESIDENT—

His Excellency the Governor has approved and signed acts and a joint resolution entitled as follows:

No. 45—An act authorizing the construction of a bridge over White river on the Michigan road;

No. 180—An act to authorize Asher Wilcox to erect a dam across the East Fork of White river in Lawrence county;

No. 181—An act to provide for the establishment of a horse boat ferry therein named across the Wabash river at the town of Attica;

No. 172—An act establishing Fire Companies;

No. 177—An act legalizing certain proceedings in relation to the sale of certain school lands in Cass county;

No. 97—An act authorizing the arresting and securing fugitives from justice;

No. 112—A joint resolution for the benefit of the collector of Clark county for 1837.

Mr. Ewing from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did on this day present to his Excellency the Governor for his approval and signature bills of the following titles, to-wit:

No. 45—An act authorizing the construction of a bridge over White river, on the Michigan road;

No. 180—An act to authorize Asher Wilcox to erect a dam across the East Fork of White river in Lawrence county;

No. 181—An act to provide for the establishment of a horse boat ferry therein named, across the Wabash river at the town of Attica;

No. 172—An act establishing Fire Companies;

No. 177—An act to legalize certain proceedings in relation to the sale of certain school lands in Cass county;

No. 97—An act authorizing the arresting and securing fugitives from justice; also,

No. 112—A joint resolution for the benefit of the collector of Clark county, for 1837.

On motion, Senate adjourned.

TUESDAY MORNING, FEB. 13, 1838.

Senate assembled.

Mr. Crawford presented a petition from John Evans and others, relative to a certain road therein named;

Referred to the committee on roads.

Mr. Dunning from the committee on revision reports the following bills:

No. 322, a bill defining the duties of recorders; read a 1st time;

On motion of Mr. Thompson of L., the rules were suspended, and the bill read a 2d and 3d times and passed.

No. 323, an act to regulate trials of the right of property; read a first time;

On motion of Mr. Dunning, the rules were suspended, and the bill read a 2d and 3d times and passed.

No. 324, an act for giving mechanics a lien upon buildings; read a first time;

On motion of Mr. Stanford, the rules were suspended, and the bill read a 2d and 3d times;

On motion of Mr. Bowen, the bill was so amended that its provisions extended to county as well as town.

On the question shall the bill pass? the Senate decided in the affirmative.

No. 325, an act subjecting certain articles to sale for repairs after a certain period; read a 1st time;

On motion of Mr. Dunning read a 2d and 3d times and passed.

No. 326, a bill to authorize writs of ne exeat; read a 1st time;

On motion of Mr. Dunning, read a 2d and 3d times, the rules being suspended and passed.

No. 327, a bill incorporating congressional townships and providing for public schools therein; read a 1st time;

On motion of Mr. Dunning, the rules were suspended and the bill read a 2d time and referred to a committee of the whole and made the special order of the day for to-morrow.

Mr. Thompson from the judiciary committee reports:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed joint resolution of the House of Representatives, entitled No. 294, a joint resolution concerning the distribution of a portion of the revised laws of the present session, have directed me to report the same back to the Senate and recommend that it be indefinitely postponed.

On the question shall the report be concurred in? the Senate decided in the affirmative.

Mr. Thompson from the same committee again reports:

MR. PRESIDENT—

The judiciary committee to which was referred an engrossed joint resolution No. 319, entitled a joint resolution in relation to the binding of the revised laws of 1838, have directed me to report the same back to the Senate, and recommend that it be laid upon the table, and that the following resolution be adopted:

Resolved, That the Secretary of State be requested to inform the Senate as early as possible, what are the terms and conditions of the contract made by him with Stacy & Williams and Jennison and Nourse, in relation to binding the revised laws of the present session.

The report and resolution were concurred in.

Mr. Thompson of L. from same committee further reports:

MR. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives No. 298, entitled a bill authorizing the sale of certain lands in Dubois county, have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of L. from same committee again reports:

MR. PRESIDENT—

The judiciary committee to which was referred an engrossed bill No. 343 of the House of Representatives, entitled a bill concerning lot number twenty in the town of Jeffersonville, have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a 3d time and passed.

Mr. Thompson of L. from same committee again reports:

MR. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives No. 373, entitled a bill to incorporate the Armiesburgh bridge company, have directed me report the same back without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Thompson of L., the rules were suspended and the bill read a 3d time and passed.

Mr. Thompson of L. further reports:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 175, entitled "a bill directing the mode of suing out and prosecuting writs of habeus corpus," have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion of Mr. Thompson of P., the rules were suspended, the bill read a third time and passed.

Mr. Thompson of L., again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 103, entitled a bill to provide for the improvement of the navigation of the Big St. Josephs river, have directed me to report the same back, with one amendment.

The amendment was concurred in.

On motion of Mr. Thompson of L., the bill as amended, was considered as engrossed, read a third time and passed.

Mr. Thompson of L., further reports.

Mr. PRESIDENT—

The Judiciary committee to which was referred a resolution of the Senate, instructing them to report a bill providing for a change of venue in criminal cases, have instructed me to report the following bill:

No. 328—A bill prescribing the mode of changing the venue in certain cases; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a second and third time and passed.

Mr. Thompson of L., from the same committee, again reports:

Mr. PRESIDENT—

The judiciary committee to which was committed an engrossed bill of the House of Representatives, No. 134, entitled "a bill to incorporate the town of Indianapolis in Marion county," have directed me to report it back with amendments.

The amendments were concurred in.

On motion of Mr. Thompson of L., the rules were suspended, the amendments considered engrossed, the bill read a third time & passed.

Mr. Thompson of L., again reports:

Mr. PRESIDENT—

The judiciary committee to which was referred the following bills, to wit:

No. 90, of the House of Representatives, entitled "a bill to incorporate the Knightstown Canal Manufacturing and Trading Company";

No. 355, of the House, entitled a bill to incorporate the town of Laporte in Laporte county;

No. 295, of the House, entitled a bill to incorporate the Calumet Bridge Company;

No. 284, of the House, entitled a bill to incorporate the St. Josephs Bridge Company;

No. 356, of the House, entitled a bill to incorporate the Exchange Hotel Company;

No. 352, of the House, entitled a bill to incorporate the town of Greensborough, have had the same under consideration, and have directed me to report the same back to the Senate without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

No. 90.—An act to incorporate the Knightstown Canal, Manufacturing, and trading company; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a second and third times and passed.

No. 355—An act to incorporate the town of Laporte in Laporte county; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a second and third times and passed.

No. 295—An act to incorporate the Calumet Bridge Company;

Which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bill was read a 2d and 3d times and passed.

No. 284—An act to incorporate the St. Josephs Bridge Company; which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a 2d and 3d times and passed.

No. 356—An act to incorporate the Exchange Hotel Company;

Which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a second and third times and passed.

No. 352—An act to incorporate the town of Greensboro;

Which was read a first time.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a second and third times and passed.

Mr. Thompson of L., again reports:

MR. PRESIDENT—

The judiciary committee to which was referred an engrossed bill of the House of Representatives, No. 136, entitled a bill regulating divorces, have directed me to report the same back to the Senate and recommend that it be amended by striking out the 8th section thereof.

The amendment was concurred in.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a third time and passed.

Mr. Elliott from the judiciary committee, reports:

Mr. PRESIDENT—

The judiciary committee to which was referred a bill of the House of Representatives, No. 203, to incorporate the Richmond and Brookville Canal Company, have had the same under consideration, and have directed me to report it back without amendment.

On motion of Mr. Elliott, the rules were suspended, the bill read a third time and passed.

Mr. Dunning from the committee on education, reports:

Mr. PRESIDENT—

The committee on education to whom was referred a bill of the House No. 214, entitled an act to amend the 17th section of the 8th chapter of an act relating to public schools, approved February 5th, 1837, have had the same under consideration, have instructed me to report the same back to the Senate, and recommend that it be indefinitely postponed, and the committee ask to be discharged from any further consideration thereof.

The committee were discharged.

On the question "Shall the bill be indefinitely postponed?"

The Senate decided in the affirmative.

Mr. Beard, from the committee on roads, reports:

Mr. PRESIDENT—

The committee on roads to whom was referred that part of the Governor's message as relates to the appointment of pilots at the Falls of the Ohio river, have had that subject under their consideration, and have directed me to report that it is inexpedient to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Clark from the committee on canals and internal improvements, reports:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate No. 167, entitled a bill in addition to an act entitled an act to provide for a general system of internal improvement, have considered the same, and directed me to report it to the Senate and recommend that it be laid on the table.

The Senate concurred in the report.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Clark, Crawford, Dunn, Dunning, Elliott, Green, Hoagland, Kennedy, Moffitt, Moore,

Mount, Puett, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Watt of U., Vawter—25.

Those who voted in the negative were,

Messrs. Bell, Casey, Cathcart, Chambers, Cole, Colerick, Daily, Dobson, Ewing, Finch, Hackett, Little, Mitchell, Morgan of D., Morgan of R., Smith, Stewart, Thompson of P., Trask, Walker and Watts of D.—21.

Mr. Clark from the same committee, again reports:

MR. PRESIDENT—

The committee on canals and internal improvements to which was referred an engrossed bill from the House of Representatives No. 131, entitled an act to provide for the improvement of the Wabash river, have considered the same, and have instructed me to report the said bill to the Senate without amendment, and to recommend the passage thereof.

Mr. Puett moved to re-commit the bill to a select committee of Senators from the counties from which the money was originally taken;

Which was not agreed to.

On motion of Mr. Thompson of L., the rules were suspended, the bill was read a 3d time and passed.

Mr. Clark from the same committee again reports:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred an engrossed bill No. 260, from the House of Representatives, entitled a bill on the subject of leasing water power at the Delphi dam, have considered the same and have directed me to report it to the Senate, and recommend that it be laid on the table.

The Senate concurred in the report.

Mr. Clark again reports:

MR. PRESIDENT—

The committee on canals and internal improvements to whom was referred the petition of Spencer Wylie and others, citizens of Franklin county, praying that the legislature cause to be constructed, bridges in cases where the construction of a canal may divide a farm, have according to order, considered the same and have directed me to report, that in their opinion, legislation upon that subject is inexpedient, and the committee ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Clark again reports:

Mr. PRESIDENT—

The committee on canals and internal improvements to whom was referred a bill of the Senate No. 191, entitled a bill to incorporate the White river and New Albany canal company, have considered the same and have made sundry amendments thereto; in which I am instructed to ask the concurrence of the Senate.

On motion of Mr. Daily, the bill and amendments were re-committed to a select committee of Messrs. Daily, Tuley and Mitchell.

Mr. Clark further reports:

Mr. PRESIDENT—

The committee on canals and internal improvement to whom was referred a report from the board of internal improvement in relation to the construction of a lock in the pool dam near Delphi, have considered the same and have directed me to report herewith, a bill, entitled,

No. 330, a bill in relation to the construction of a lock in the pool dam near Delphi; read a first time.

Mr. Ewing moved that the bill be rejected; which was not agreed to.

The ayes and noes being ordered.

Those who voted in the affirmative were,

Messrs. Bell, Casey, Cathcart, Crawford, Daily, Dobson, Ewing, Finch, Green, Mitchell, Smith, Stewart, Turman, Trask and Walker
—15.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Dunn, Dunning, Elliott, Hackett, Hoagland, Kennedy, Little, Morgan of R., Mount, Stafford, Stanford, Thompson of J., Thompson of L., Thompson of P., Tuley, Watts of D., Watt of U. and Vawter—27.

Mr. Thompson of L., moved that the rules be suspended, and the bill be read a 2d time; which was not agreed to.

On motion, the Senate adjourned.

Half past 1 o'clock P. M.

Senate Assembled.

On motion of Mr. Thompson of L., the rules were suspended, and Mr. Smith obtained leave to make the following report:

MR. PRESIDENT—

The select committee to which was referred the petition of William C. Stuart & Co. and others, praying a charter to erect a toll bridge over Loughery creek in Repley county, on the state road leading from Lawrenceburgh to Indianapolis, have had that subject under consideration and have directed me to report in their opinion, that it is inexpedient to legislate on that subject, in accordance with the prayer of the petitioners, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Thompson of L. from a select committee reports:

MR. PRESIDENT—

The select committee to which was referred the petition of S. P. Moore and sundry citizens of Lawrence and Washington counties, praying for the location of a state road from Bedford in Lawrence county to Salem in Washington county, and for the charter of a bridge company at Lawrenceport in Lawrence county, have directed me to report the following bills:

No. 331, a bill providing for a state road from Bedford in Lawrence county to Salem in Washington county; read a 1st time.

On motion of Mr. Thompson of L., the rules were suspended and the bill read a 2d and 3d times and passed.

No. 332, a bill to incorporate the Lawrenceport bridge company;

Read a 1st time; on motion of Mr. Thompson of L., the rules were suspended, the bill read a 2d and 3d times and passed.

Mr. Little from a select committee reports:

MR. PRESIDENT—

The select committee to which was referred the petition of Daniel B. McMillan and others, praying a re-location of a certain state road in Hendricks county, have instructed me to report the following bill:

No. 333, a bill to re-locate a part of a state road therein named in Hendricks county; read a 1st time;

On motion of Mr. Dobson, the rules were suspended, the bill read a 2d and 3d times and passed.

Leave granted, Mr. Dobson from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House, No. 330, have had the same under consideration and have directed me to report it back with amendments.

The amendments were concurred in.

On motion of Mr. Dobson,

The rules were suspended, the amendments considered as engrossed the bill read a 2d and 3d times and passed.

Mr. Moffitt from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives No. 186, entitled an act for the seizure of boats and other vessels for debt, have had the same under consideration and have instructed me to report the same with one amendment, which is the insertion of an additional section;

In which the concurrence of the Senate is requested.

The amendment was concurred in.

On motion of Mr. Thompson of L.,

The rules were suspended, the amendment considered as engrossed, the bill read a 3d time and passed.

Mr. Colerick from the judiciary committee reports:

Mr. PRESIDENT—

The judiciary committee to whom was referred a bill of the House No. 130, to incorporate the Peru and Rochester rail road company, have had the same under consideration and directed me to report the same back without amendment.

On motion of Mr. Colerick,

The rules were suspended, the bill read a 3d time and passed.

Mr. Colerick from the committee on corporations reports:

Mr. PRESIDENT—

The committee on corporations to whom was referred the bill of the House numbered 101, entitled a bill supplemental to an act entitled an act to incorporate the Jeffersonville insurance company, have had the same under consideration, and directed me to report the same back and recommend the indefinite postponement.

On motion of Mr. Daily,

Referred to a select committee of Messrs. Daily, Hackett, and Mitchell.

Leave being granted, Mr. Turman introduced,

No. 334, a bill to incorporate the town of Perrysville in the county of Vermillion, approved Jan. 27, 1831; read a 1st time;

On motion of Mr. Crawford, the rules were suspended, the bill read a 2d and 3d times and passed.

Leave being granted, Mr. Baird from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the House of

Representatives No. 289, entitled a bill to incorporate the Warsaw manufacturing company, have had the same under consideration and directed me to report the same back to the Senate with an amendment.

The amendments were concurred in.

On motion of Mr. Baird, the rules were suspended, the amendments were considered as engrossed, read a 3d time and passed.

Mr. Ewing from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred the bill of the House No. 182, relative to Whitley county, have had the same under consideration and directed me to report it back with the following amendment: "Strike out of the 2d section the name of J. K. Evans and insert in lieu thereof Daniel R. Bearss of Miami county;

In which amendment the concurrence of the Senate is respectfully requested.

On motion of Mr. Ewing, the rules were suspended, the bill and amendments considered as engrossed read a 3d time and passed.

Mr. Ewing again reports:

MR. PRESIDENT—

The select committee to whom was referred the petition of Wm. Chase and other citizens of Cass county, praying for a special session of the circuit court to be held in May next, have had that subject under consideration and have directed me to report the following bill:

No. 335, a bill to provide for holding a term of the circuit court in the county of Cass; read a 1st time;

On motion of Mr. Crawford, the rules were suspended and the bill read a 2d time; on motion of Mr. Ewing, referred to a select committee of Messrs. Ewing, Colerick and Baird.

Mr. Ewing from a select committee reports:

MR. PRESIDENT—

The select committee appointed to settle with William Polke, late Commissioner of the Michigan Road, and to investigate his accounts, desire to report that they have not been able to come to any definite conclusion on the subject, they therefore wish to be excused from further prosecuting this matter, and offer for the consideration of the Senate the following bill:

No. 336, a bill to provide for the salary of William Polke, late Commissioner of the Michigan Road; read a 1st time;

On motion of Mr. Crawford, the rules were suspended and the bill read a 2d time;

On motion of Mr. Thompson of P., the bill was laid on the table.

Leave being granted, Mr. Crawford from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred the engrossed bill of the House of Representatives No. 278, entitled an act to incorporate the Michigan and Indiana rail road company, have according to order had the subject under consideration and have directed me to report the bill back with amendments;

In which the concurrence of the Senate is respectfully requested.

The amendments were concurred in.

On motion of Mr. Crawford, the amendments were considered as engrossed, the rules suspended, the bill read a 3d time and passed.

Leave being granted, Mr. Tuley from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition from Henry Bottorff and others, and James S. Harris and others, have had the same under consideration, and have instructed me to report the following bill:

No. 337, an act to locate a state road from Lexington in Scott county to New Albany in Floyd county; read a 1st time;

On motion of Mr. Daily, the rules were suspended and the bill read a 2d time, and on motion, laid on the table.

Mr. Finch from a select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred a bill No. 216, of the House to revive and confirm certain state roads therein named, have had the same under consideration and have directed me to report the bill back without amendment.

On motion of Mr. Finch, the rules were suspended, the bill read a 3d time and passed.

Mr. Finch from a select committee again reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition of George Murkle and others, praying for an enactment for a certain road therein named, have instructed me to report the following bill:

No. 338, entitled a bill to locate a state road from Delphi in Carroll county to the state line in the direction to Chicago; read a 1st time;

On motion of Mr. Finch, the rules were suspended, the bill read a 2d and 3d times and passed.

Leave being granted, Mr. Cathcart introduced,

No. 339, a bill to amend an act relating to state roads, approved Feb. 6, 1837; read a 1st time;

On motion of Mr. Cathcart, the rules were suspended, the bill read a 2d and 3d times and passed.

Mr. Ewing from the committee on corporations reports:

Mr. PRESIDENT--

The committee on corporations to whom was referred the bill of the House No. 200, entitled an (act) bill to incorporate the City of Logansport, have had the same under consideration, and after careful examination have directed me to report the same back to the Senate, with sundry amendments thereto;

In which the concurrence of the Senate is very respectfully requested.

The amendments were concurred in.

On motion of Mr. Ewing, the amendments were considered as engrossed, the bill read a 3d time and passed.

On motion of Mr. Thompson of L., the committee of the whole were discharged from the consideration of the following bills:

No. 307, a bill for the incorporation of public libraries.

On motion of Mr. Thompson of L., the rules were suspended, the bill read a 3d time and passed.

No. 126, a bill concerning debtors and their securities.

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 12, a bill amendatory of the act entitled an act relative to crime and punishment, approved Feb. 10, 1831.

On motion, the rules were suspended, and the bill read a 3d time.

And on the question, shall the bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Crawford, Daily, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D. and Vawter—37.

Those who voted in the negative were,

Messrs. Baird, Bell, Colerick, Dobson, Dunn, Little, and Stanford—7.

So the bill passed.

No. 91, a bill to establish and regulate ferries.

On motion of Mr. Thompson of L., the rules were suspended, and the bill read a 3d time and passed.

No. 95, a bill relative to opening and repairing public roads and highways and for other purposes, with amendments.

On motion of Mr. Thompson of L., the rules were suspended, the amendments considered as engrossed, read a 3d time and passed.

Leave being granted, Mr. Walker introduced,

No. 340, a bill authorizing the location of a state road leading from Indianapolis to Shelbyville via Hough's mill in Shelby county;

Read a 1st time; on motion of Mr. Walker, the rules were suspended and bill read a 2d and 3d times and passed.

Leave being granted, Mr. Crawford introduced,

No. 341, a bill to amend an act entitled an act for the apportionment of Senators and Representatives in the General Assembly; read a 1st time;

On motion of Mr. Crawford, the rules were suspended and the bill read a 2d time.

Mr. Mitchell moved that the bill be indefinitely postponed.

On which motion, the ayes and noes being ordered.

Those who voted in the affirmative were,

Messrs. Casey, Clark, Daily, Green, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Smith, Stafford, Stanford, and Watts of D.—15.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Cole, Colerick, Crawford, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Hackett, Hoagland, Little, Sigler, Stewart, Turman, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watt of U. and Vawter—31.

So said bill was not indefinitely postponed.

Mr. Smith moved to amend, so that the counties of Rush and Ripley would have an additional Senator, serving alternately, commencing with Rush.

Mr. Ewing moved to amend the amendment so as to reduce the number of Senators from Wayne to one;

Which was accepted.

On the question, shall the amendment be adopted? the Senate decided in the affirmative.

Mr. Crawford moved to commit the bill to a select committee.

Mr. Morgan of D. moved to indefinitely postpone the bill;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard, Bell, Bowen, Bradbury, Brady, Casey, Chambers, Clark, Daily, Dunn, Dunning, Elliott, Green, Hackett, Hoagland, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Stewart, Turman, Thompson of J., Thomp-

son of L., Thompson of P., Tuley, Watts of D. and Watt of U.—33.

Those who voted in the negative were,

Messrs. Baird, Cathcart, Cole, Colerick, Crawford, Dobson, Ewing, Finch, Smith, Trask, and Walker—11.

On motion of Mr. Colerick, the vote on the passage of bill No. 12, relative to crime and punishment was reconsidered.

On motion of Mr. Thompson of P., referred to Messrs. Thompson of P. Cathcart and Stanford.

Leave being granted, Mr. Brady introduced, No. 342, a joint resolution relative to the state printing for 1838; read a first time.

On motion of Mr. Elliott,

The rules were suspended and read a second time.

Mr. Elliott moved to amend by striking out "hundred and twenty days," and insert in lieu thereof, "ninety days," after the adjournment of the Legislature; which was not agreed to.

On motion of Mr. Clark,

The rules were suspended and the joint resolution read a third time and passed.

On motion of Mr. Thompson of L.,

The Senate resolved itself into a committee of the whole, on bill No. 306, a bill to organize probate courts and defining the powers and duties of executors, administrator and guardians;" Mr. Clark called to the chair.

After some time spent therein, the committee rose and the chairman reported that the committee had duly considered the same and directed me to report it back without amendment, and ask to be discharged from the further consideration thereof.

On motion of Mr. Thompson of L.,

The rules were suspended, the bill read a third time and passed.

On motion of Mr. Thompson of L.,

The vote indefinitely postponing No. 372, a joint resolution of the State of Indiana, was re-considered; the rules were then suspended, read a third time and passed.

On motion of Mr. Mitchell,

Bill No. 260, an act on the subject of leasing water power at the Delphi dam, was taken from the table.

On motion of Mr. Clark,

The rules were suspended, the bill read a third time and passed.

On motion of Mr. Clark,

The bill relative to county boundaries was taken up; the rules suspended, read a third time and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has concurred in the amendments of

the Senate to the engrossed bill of the House of representatives, entitled,

No. 152—an act for the formation of the county of Blackford.

The House of Representatives has concurred in the 5th amendment of the Senate, to the engrossed bill of the House,

No. 189—an act dividing the State into judicial circuits, and fixing the time of holding courts therein.

And has concurred in the 4th amendment of the Senate, to said bill, with an amendment.

And has refused to concur in the 1st, 2nd, 3d, 6th, 7th, 8th, 9th, 10th and 11th amendments of the Senate, to the said bill of the House of Representatives.

The House of Representatives has passed engrossed bills and joint resolutions, of the Senate, entitled as follows, to wit:

No. 14—a joint resolution of the General Assembly of the State of Indiana;

No. 85—an act to authorize the vacation of towns;

No. 109—an act authorizing and regulating arbitrations;

No. 127—an act relative to fugitives from labor;

No. 140—a joint resolution for the benefit of the collector of Scott county, for the year 1837;

No. 145—an act to amend an act, entitled, an act organizing circuit courts, and defining their powers and duties; approved Jan. 24, 1831.

And—

No. 146—an act prescribing the mode of authenticating copies from the records of the State Board of internal improvement. Each without amendment.

The House of Representatives has passed engrossed bills and joint resolutions thereof, entitled as follows;

No. 76—an act to amend an act, entitled, an act to provide for a general system of internal improvement, approved Jan. 27, 1836.

No. 241—an act to provide for taking depositions in certain cases therein named;

No. 293—a joint resolution relative to the purchase of maps;

No. 301—an act declaring Big creek a public highway;

No. 302—an act to change the name of a town;

No. 314—an act to authorize the board doing county business in the county of Spencer, to grant a license to John Meeks, to retail liquors, and vend foreign and domestic groceries; and

No. 319—an act to legalize the proceedings of the school commissioner of Spencer county.

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives, entitled,

No. 153—an act for the relief of Campbell Dale;

No. 160—an act to locate a State road from the west line of Hancock county, to New Castle, in Henry county; and

No. 280—an act to incorporate the Elizabeth steam mill, boat, shipyard and manufacturing company.

I am instructed to bring them to the Senate, for the signature of the president thereof.

The president having signed enrolled bills of the House of Representatives, Nos. 153, 160 and 280 they were handed to the committee to be presented to the governor for his approval and signature.

No. 189—an act dividing the State into judicial circuits, and fixing the time of holding courts therein.

Mr. Puett moved that the Senate disagree, to the amendment of the House to the 4th amendment of the Senate; which was consented to.

On motion of Mr. Bell,

The Senate insists upon their first and second amendments.

On motion of Mr. Thompson of P., the bill and amendments were laid on the table.

On motion of Mr. Bell,

The message was laid on the table, and the following message received from the House of Representatives, by Mr. Walpole, their member, was taken up.

MR. PRESIDENT—

I am instructed to inform the Senate that the House of Representatives have passed an engrossed bill of the House of Representatives, No. 393, entitled, a bill changing the time of holding courts in Hancock, Morgan, Hendricks, Boon and Marion counties, in which the concurrence of the Senate is requested.

No. 393—a bill changing the time of holding courts in Hancock, Morgan, Hendricks, Boon and Marion counties; read a first time.

On motion of Mr. Bell,

The rules were suspended, the bill read a third time and passed.

Ordered, That the secretary inform the House of Representatives thereof.

On motion, the Senate resumed the consideration of the message, just laid on the table.

No. 241—an act to provide for taking depositions in certain cases therein named; read a first time.

On motion of Mr. Thompson of P., the rules were suspended, and the bill read a second time.

On motion of Mr. Little, the rules were further suspended, the bill read a third time and passed.

No. 314—an act to authorize the board doing county business in the county of Spencer, to grant a licence to John Meeks, to retail liquors, and vend foreign and domestic groceries; read a first time.

On motion, the rules were suspended, the bill read a second and third times and passed.

Leave granted, Mr. Colerick introduced the following resolution:

Resolved, That when this Senate next adjourns, it will adjourn to meet again on to-morrow morning at 8 o'clock; which was agreed to.

On motion, Senate adjourned.

WEDNESDAY MORNING, FEB. 14, 1838.

Senate assembled.

The President laid before the Senate a report from the Secretary of State in answer to a resolution relative to any contracts by him made for binding the revised laws of the year 1838.

On motion of Mr. Stanford, the report was laid on the table.

On motion of Mr. Ewing, Mr. Green, Bradbury, and Tuley, were added to the joint committee on enrolled bills.

Mr. Dunning from the committee on revision reports:

Resolved, That the Secretary of State be instructed to cause to be republished under one general head among the acts of the present General Assembly, the following acts entitled as follows, to wit:

An act to provide for a general system of internal improvement, approved January 27, 1836;

An act, approved February 6, 1837, amendatory of an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836;

An act, approved February 3d, 1837, supplemental to an act entitled an act to provide for a general system of internal improvement, approved February 27, 1836;

An act, approved February 4, 1837, to amend an act entitled an act to provide for a general system of internal improvement, approved January 27, 1836, and to republish as aforesaid, the several acts upon the same subject that may pass the present session of the General Assembly, leaving off the titles to each of the acts aforesaid except that of the first, and noting at the foot of each the date of the approval thereof by the Governor of the State.

The report was concurred in.

Mr. Vawter, from the committee on the State Bank, reports:

The committee on the State Bank to which was referred a bill of the Senate No. 107, supplemental to the act entitled, an act to provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to receive by virtue of an act of Congress approved January 23, 1836, have according to order had the same under consideration, with the amendments thereto, and have directed me to report the same back to the Senate, and recommend the adoption of the first and second amendments heretofore made by the committee, and now reported back with the bill.

On motion the bill and amendments were laid on the table.

Mr. Daily from the committee on State Prison reports:

MR. PRESIDENT—

The committee on the affairs of the state prison to whom were referred a resolution of the Senate requiring them to inquire whether

there have been any escapes of convicts from the state prison, during the last year, and that if there have been any such escapes that said committee inquire if the keeper of said prison has used due diligence to re-capture said escaping convicts.

The committee now report that they have used due diligence to obtain the information sought for by the foregoing resolution, and find by the semi-annual report of the superintendants of said prison, that there have been during the past year several escapes from said prison, all of which were retaken as per said report in a few days after such escapes were made, except Brewer and Parker, who were convicted and sent from the county of Delaware; in which case it appears by the certificate of the keepers of said prison, that no censure of a dereliction of duty should be passed on said superintendants, which certificate is hereto attached and reads as follows:

OFFICE INDIANA STATE PRISON, }
Jeffersonville, 23 July, 1838. }

We, the undersigned, keepers of the Indiana State Prison do hereby certify that we have lived at said Prison and acted as keepers the greater part of the time since the present incumbents have had charge of said prison, and that a constant care and vigilance has been unremittingly pursued by the superintendants, and when escapes have taken place great promptness has uniformly been shown by them in pursuing the fugitive, and that we have pursued frequently, and have always been instructed to pursue to the utmost of our power, and not be sparing of money or labor; and that as great exertions were used to recapture Brewer and Parker as any others which have escaped within our knowledge.

Given under our hands and seals this date above written.

JOHN G. MORGAN,
SAMUEL WRIGHT,
JOSHUA PHILLIPS,
HENRY JONES.

All of which are respectfully submitted, and the committee ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Vawter from a select committee reports:

Mr. PRESIDENT—

The select committee to which was referred the petition of Elizabeth Limming; also the petition of Mary Ann Ogden, have had the same under consideration, and a majority of the committee believe the prayers of the petitioners to be reasonable, and have directed me to report a bill for their relief.

No. 345—A bill for the relief of Elizabeth Limming and Mary Ann Ogden; read a first time.

On motion of Mr. Finch the rules were suspended and the bill read a 2d time.

On motion of Mr. Tuley, laid on the table.

Mr. Crawford from select committee reports:

MR. PRESIDENT—

The select committee to whom was committed the petition of E. Beardsly and other citizens of Elkhart county respecting state roads, have had that subject under consideration, and have directed me to report the following bill:

No. 346—A bill declaring certain county roads therein named state roads; read a 1st time.

On motion of Mr. Crawford the rules were suspended, read a 2d and 3d times and passed.

Mr. Dunning introduced

No. 347—A bill to legalize the sale of certain town lots therein named and for other purposes; read a 1st time.

On motion of Mr. Dunning, the rules were suspended, the bill read a 2d and 3d times and passed.

Mr. Baird introduced

No. 348—A bill for the formation of the 9th judicial circuit, and fixing the times of holding courts therein; read a 1st time.

On motion of Mr. Baird, the rules were suspended, the bills read a 2d and 3d times and passed.

Mr. Thompson of L. introduced

No. 349—A bill for the formation of the 2d and 3d judicial circuits, and providing for holding courts therein; read a 1st time.

On motion of Mr. Thompson of L. the rules were suspended and the bill read a 2d and 3d times and passed.

Mr. Ewing from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred the bill which authorizes the holding an extra session of the circuit court in Cass county, in May next, have had the same under consideration and have directed me to report the same back with one amendment, to which the concurrence of the Senate is respectfully requested.

The amendment was concurred in.

On motion of Mr. Ewing the rules were suspended, the amendments were considered as engrossed, read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The bill was read a 1st time.

On motion of Mr. Kennedy the rules were suspended and the bill read a 2d time.

Mr. Kennedy moved to amend by inserting "heretofore appropriated to Jasper county; which was adopted.

On motion, the rules were further suspended, read a 3d time and passed.

On motion the rules were suspended and the Senate resolved itself into a committee of the whole, on bill No. 327, a bill incorporating Congressional townships, and providing for public schools therein. Mr. Kennedy called to the chair.

After some time spent therein, the committee rose and the chairman reported, that the committee had duly considered the bill committed to it, and directed me to report it back without amendment, and ask the concurrence of the Senate.

Mr. Beard moved to amend by adding an additional section; which was adopted.

Mr. Beard moved to strike out the 15th section; which was not agreed to.

On motion of Mr. Thompson of L. the amendment was considered as engrossed, the bill read a 3d time and passed.

On motion of Mr. Thompson of L. the committee of the whole were discharged from the consideration of the following bills:

No. 125—A bill for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of Schools, Meeting houses and Masonic Lodges.

On motion of Mr. Thompson of L. the bill was amended by adding an additional section; which was agreed to.

On motion of Mr. Thompson of L. the rules were suspended, the bill considered as engrossed, read a 3d time and passed.

No. 171—A bill to regulate taverns and groceries.

On motion of Mr. Clark, the rules were suspended, the bill read a 3d time and passed.

No. 170—A bill concerning the State Library.

On motion of Mr. Thompson of L. the rules were suspended and the bill read a 3d time and passed.

No. 88—A bill to regulate marriages.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

No. 123—A bill to provide for the inspection of salt, beef, flour, pork and tobacco.

On motion of Mr. Clark the rules were suspended, the bill read a 3d time and passed.

No. 141—A bill regulating the fees and salaries of the several officers and persons therein named.

Mr. Thompson of L. moved to amend by striking out and inserting as follows, "that the Treasurer, Secretary, and Auditor of State be allowed the salary of \$1200 per annum for all their services; which was agreed to.

Mr. Puett moved to amend the amendment so as to include the Auditor's services to the board of fund commissioners.

On motion of Mr. Thompson of P. the bill and amendments were committed to a select committee of Messrs. Thompson of P., Thompson of L., Finch, Elliott, and Vawter.

On motion of Mr. Thompson of L. the vote on the passage of bill No. 180, relative to the County Library was reconsidered; and the bill amended by striking out the 7th section thereof.

No. 169—A bill in relation to crime and punishment.

Mr. Clark moved to amend by adding an additional section.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Casey, Cathcart, Chambers, Clark, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Hackett, Hoagland, Kennedy, Little, Moffitt, Mount, Puett, Sigler, Smith, Stafford, Stanford, Thompson of J., Tutley, Watt of U. and Vawter—33.

Those who voted in the negative were,

Messrs. Ewing, Finch, Green, Mitchell, Moore, Morgan of D., Morgan of R., Turman, Thompson of L., Thompson of P., and Watts of D.—11.

So said amendment was adopted.

On motion, the rules were suspended, the bill considered as engrossed, read a 3d time and passed.

Leave granted, Mr. Colerick from a select committee report:

Mr. PRESIDENT—

The select committee to whom was referred a bill of the Senate, No. 313, entitled a bill for keeping prisoners, &c.; also, the bill of the House, No. 227, on same subject have had the same under consideration and directed me to report both back with one amendment to the bill of the Senate and ask the concurrence of the Senate therein, and recommend that the said bill of the House be laid on the table.

The Senate concurred in the amendments.

On motion of Mr. Kennedy the bill was considered as engrossed read a 3d time and passed.

On motion of Mr. Thompson of L. the committee of the whole was discharged from any further consideration of the following bills:

No. 93—A bill to regulate general elections.

Mr. Colerick moved to amend by restricting the voters to the townships in which they reside; which was not adopted.

The ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Brady, Clark, Colerick, Mount, and Watt of U.—5.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Casey, Cathcart, Chambers, Cole, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R. Puett, Sigler, Smith, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Thompson of P., Tuley, Watts of D. and Vawter—39.

No. 87—A bill providing for the incorporation of towns.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

No. 153—A bill concerning corporations.

On motion of Mr. Thompson of P. the rules were suspended, the bill read a 3d time and passed.

No. 94—A bill to provide for electing county and townships officers.

On motion of Mr. Crawford, the rules were suspended and the bill read a 3d time and passed.

No. 142—A bill for the regulation of the State Prison.

On motion of Mr. Thompson of L. the rules were suspended, and the bill read a 3d time and passed.

No. 91—An act providing for the safety of stage passengers.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

No. 134—A bill for the relief of the poor.

On motion of Mr. Thompson of L. the rules were suspended, the bill read a 3d time and passed.

The following message was received from the House of Representatives, by Mr. Thompson of A. their member:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed engrossed bill of the Senate, No. 348, entitled an act for the formation of the 9th judicial circuit with amendments, in which they ask the concurrence of the Senate.

The amendments were concurred in.

On motion, the rules were suspended, the bill read a 3d time and passed.

The following message received from the House of Representatives by Mr. Bryce, their member:

MR. PRESIDENT—

I am directed by the House of Representatives to inform the Senate

that the House has passed an engrossed bill of the House entitled, No. 402—An act regulating the courts in the first judicial circuit, in which the concurrence of the Senate is requested; read a 1st time.

On motion of Mr. Finch the rules were suspended, the bill read a 2d time.

Mr. Elliott moved an amendment, which was adopted.

Mr. Clark also moved an amendment, which was agreed to.

On motion of Mr. Thompson of L. the rules were suspended, the bill and amendments considered as engrossed, read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

Mr. PRESIDENT—

I am instructed to inform the Senate that the House of Representatives has passed an engrossed joint resolution thereof, entitled,

No. 401—A joint resolution in relation to laws therein named, to which the concurrence of the Senate is requested; read a 1st time.

On motion of Mr. Thompson of L. the rules were suspended, and the resolution read a 2d and 3d times and passed.

Mr. Colerick from the committee on the canal fund reports:

Mr. PRESIDENT—

The committee on the canal fund have examined the books and papers as well as the loans contracted on the state bonds and the disbursements made by the board of fund commissioners, and have aimed at the following facts:

1st. That our state bonds have been sold on better terms than the state bonds of the states of Ohio and Illinois during the last year.

2d. That no money is paid or disbursed by the said board without a voucher of a corresponding and existing debt.

3d. That all the funds are drawing interest, and continue to draw interest until their application in liquidation of existing debts.

4th. That the books of the said board are kept in a plain, concise, and correct manner.

5th. That the office of said board including the books and papers is characterised with great order and arrangement.

6th. The committee have ascertained from a correspondence held between the said board and the joint stock banking company of the city of London, that it would conduce to the interest of the state to send an agent to the city of London, there to publish the statistics of our state, and establish credits there to meet the accruing interest on our state bonds, that the same may be paid promptly, for on this much of the credit of said bonds depends.

7th. The committee finds that the compensation allowed the fund commissioners, is inadequate to the labors and responsibilities of the said officers, and recommend an increase of their salaries, otherwise the

state cannot reasonably expect a permanent board, and men would merely accept the appointment to have an opportunity to visit the eastern cities, and when their curiosity would be gratified, they would resign, for others impelled by the same motives; such a state of things should and would be deprecated as militant to the best interests of the state.

No. 293—A joint resolution relative to the purchase of maps, mentioned in an unfinished message from the House; read a 1st time.

On motion of Mr. Thompson of L. the rules were suspended, and the bill read a 2d time.

On motion of Mr. Clark the bill was indefinitely postponed.

The following message was received from the House of Representatives, by Mr. Proffitt their member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that it has passed a bill, No. 400, entitled an act fixing the times of holding courts in the 4th judicial circuit; in which the concurrence of the Senate is particularly and urgently and respectfully requested.

No. 400—read a 1st time.

On motion of Mr. Thompson of P. the bill was rejected.

No. 301—Of the House, an act declaring Big creek a public highway; mentioned in an unfinished message from the House; read a 1st time.

On motion of Mr. Stewart, the rules were suspended and the bill read a 2d and 3d times and passed.

No. 302—An act to change the name of a town mentioned in the unfinished message of the House; read a 1st time.

On motion of Mr. Thompson of L. the rules were suspended, and the bill read a 2d time.

On motion, laid on the table.

No. 319—An act to legalize the proceedings of the school commissioner of Spencer county; read a 1st time.

On motion of Mr. Thompson of P. the rules were suspended and the bill read a 2d and 3d times and passed.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, entitled,

No. 114—An act to incorporate the South Bend and Warsaw Canal Company.

In which the concurrence of the Senate is requested.

Read a first time.

On motion of Mr. Cathcart the bill was rejected.

On motion the Senate adjourned.

Half past 1 o'clock P. M.

Senate assembled,

On motion of Mr. Ewing, bill No. 302, a bill to change the name of a town, was taken from the table.

On motion, the rules were suspended, the bill read a 3d time and passed.

On motion of Mr. Watts of D., bill No. 183, a bill to amend an act entitled an act to incorporate the Lawrenceburgh bridge company, approved January 24, 1831, was taken up, and referred to Messrs. Watt of D., Morgan of D., Green and Thompson of L.

On motion of Mr. Moffitt, bill No. 142, a bill to provide for the improvement of the Wabash river;

On motion of Mr. Thompson of P., the rules were suspended, the bill read a 3d time and passed.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, entitled,

No. 96—An act to change the names of the towns of the St. Josephs Iron Works, and Indiana City, in St. Josephs county, to that of Mishawaka;

In which the concurrence of the Senate is requested.

The House has also passed an engrossed joint resolution thereof, entitled,

No. 303—A joint resolution in relation to the road between Jeffersonville and New Albany;

In which the concurrence of the Senate is also requested.

No. 96 of the House; read a first time;

On motion of Mr. Baird, the rules were suspended, and the bill read a 2d and 3d times and passed.

No. 303 of the House; read a 1st time;

Mr. Mitchell moved that the joint resolution be rejected;

Which was agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Bell, Bowen, Bradbury, Brady, Clark, Cole, Cole-
rick, Crawford, Dunning, Elliott, Ewing, Finch, Hackett, Hoagland,
Little, Mitchell, Mount, Stafford, Thompson of J., Thompson of L.,
Thompson of P., Trask and Vawter—24.

Those who voted in the negative were,

Messrs. Beard, Casey, Cathcart, Chambers, Daily, Dobson, Dunn, Moffitt, Morgan of R., Smith, Stewart, Tuley, Walker, Watts of D., and Watt of U.—13.

Leave being granted, Mr. Mount introduced the following resolution:

Whereas, a joint resolution was introduced in this Senate, the object of which joint resolution was to enable the state to acquire from the General Government, by virtue of a pre-emption law or at the minimum price of the public land, the district of land lately ceded by the Miami nation of Indians to the General Government, to assist said state in carrying out her system of Internal Improvements;

And whereas also, Senator Tipton in Congress, having seen the action of this Senate on said joint resolution, and its approval, voted in the face of said joint resolution, against its intention and object; therefore,

Be it resolved by the Senate of the Legislature of the State of Indiana, That John Tipton, in the vote he rendered in the Senate of the U. States, on the question to reserve the late Miami purchase from the provisions of the pre-emption law to settlers, was a violation of the honorable and sacred trust confided to him, and against the interests of this state, and that this Senate approve of the conduct of our Senator O. H. Smith, for his exertions on said subject.

Mr. Clark moved to strike out the words "violation of the honorable and sacred trust confided to him."

Mr. Finch moved to lay the resolution on the table;

Which was not agreed to.

On the question, shall the amendment of the Senator from Tippecanoe be adopted? The Senate decided in the negative.

Mr. Crawford moved to postpone the resolution until the 1st Monday of August next; which was not agreed to.

On the question shall the resolution be adopted? the Senate decided in the affirmative;

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Colerick, Daily, Dobson, Dunn, Dunning, Elliott, Green, Hoagland, Kennedy, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker, Watts of D., Watt of U. and Vawter—34.

Those who voted in the negative were,

Messrs. Clark, Cole, Crawford, Ewing, Finch, Hackett, Puett, and Turman—8.

Mr. Mount from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bill of the House,

No. 152—An act for the formation of the county of Blackford;

And find the same truly enrolled.

Mr. Stanford from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the Senate,

No. 90—An act to improve the breed of horses and sheep;

No. 312—An act to appropriate a part of the three per cent. fund of Crawford county;

No. 9—An act to incorporate the West Delphi bridge company;

No. 133—An act to incorporate the town of Rockport in Spencer county;

No. 30—A joint resolution on the subject of the State Bank; and,

No. 304—An act to incorporate the Bailytown company;

And find them truly enrolled.

Mr. Mount from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the Senate, and find the same truly enrolled, to-wit:

No. 164—An act to incorporate the town of Franklin in Johnson county;

No. 143—An act for the promotion of schools and education in Clark's Grant.

Mr. Stanford from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate,

No. 14—A joint resolution of the General Assembly of the State of Indiana;

No. 145—An act to amend an act entitled an act organizing circuit courts and defining their powers and duties, approved Jan. 24, 1831;

No. 140—A joint resolution for the benefit of the collector of Scott county for the year 1837;

No. 146—An act prescribing the mode of authenticating copies from the Boards of the State Board of Internal Improvement;

No. 85—An act to authorize the vacation of towns;

No. 127—An act relative to fugitives from labor;

No. 165—An act to incorporate the Northfield steam mill and manufacturing company;

No. 84—An act respecting apprentices;

And find them truly enrolled.

Mr. Ewing, from the joint committee on enrolled bills, reports,
The joint committee on enrolled bills, report that they did this day present to his excellency the governor, for his approval and signature, bills of the following titles:

No. 153—an act for the relief of Campbell Dale;

No. 160—an act to locate a State road from the west line of Hancock county, to New Castle in Henry county;

No. 280—an act to incorporate the Elizabeth steam mill, boat, ship yard and manufacturing company;

No. 61—an act for the relief of Henry Matthews;

No. 58—an act to locate a State road in the county of Boon;

No. 213—an act giving to the State of Illinois the right of way within this State, to connect the northern Cross Rail-road in Illinois with the Wabash and Erie canal at Covington;

No. 181—an act to provide for a justice of the peace in Maysville, Daviess county;

No. 230—an act for the relief of John Bennett;

No. 285—an act regulating the interest of money;

No. 292—an act appointing bridge and road commissioners in the counties of Spencer and Perry—and defining their powers and duties;

No. 238—an act for the relief of Edward Hopkins;

No. 82—an act appropriating the three per cent. fund belonging to the county of Warren;

No. 158—an act to incorporate the Harrison and Napoleon turn-pike company;

No. 297—an act to incorporate the Marion Guards;

No. 156—an act to legalize the sale of the 16th section, in township 9, range 2 west;

No. 150—an act to amend an act, entitled, an act to appropriate a part of the three per cent. fund in the county of Orange, approved Jan. 27, 1837;

No. 1C—an act for the sale of certain school lands belonging to the Vencennes tract;

No. 281—an act for the relief Dalzel, Clark & Whitcomb, and Clark & Company;

No. 77—an act to prevent obstructions in Anderson river, in Perry and Spencer counties;

No. 86—an act providing the number and mode of electing trustees of the Posey county seminary;

No. 111—an act to provide for the election of a justice of the peace in the town of Huntsville, in Bartholomew county;

No. 249—an act to amend an act, entitled, an act to amend the charter and define the powers and duties of the president and trustees of the town of Evansville, approved Feb. 8, 1836;

No. 95—an act for the relief of John B. Walker;

No. 97—an act to change the name of Calvin C. Marsh;

No. 157—an act relating to the town of Vernon;

No. 129—an act to change the Morgansford and Brandywine town State road;

No. 106—an act to amend the charter of the Borough of Vincennes;

No. 191—an act for the relief of John Matthews;

No. 92—an act to incorporate the Paoli savings institution;

No. 258—an act for the relief of the collector of Jay county;

No. 124—an act relating to the acts of householders in the county of Lake;

No. 123—an act providing for the sale of certain school lands in the county of Sullivan;

No. 277—an act to change the character of a part of the Madison and Lafayette road;

No. 40—an act to incorporate a certain company therein named;

No. 39—an act to incorporate the town of Princeton;

No. 206—an act amendatory of the act, entitled, an act for the formation of the Pleasant Run school district, in Carroll county;

No. 154—an act authorizing Lewis Jones and others to sell lot No. 67 in the town of Washington, in Daviess county and for other purposes;

No. 67—an act concerning State roads therein named;

No. 282—an act for the relief of Asa Brown;

No. 93—an act to legalize the election and official acts of judge of probate, in Lake county;

No. 192—an act for the relief of Derbin Gaw;

No. 100—an act to legalize the act of Thomas Bowman; also joint resolutions,

No. 257—a joint resolution on the subject of a donation of public lands on the Erie and Michigan canal;

No. 109—a joint resolution on the subject of a western armory;

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has adopted the following resolution:

Resolved, That the Senate be invited to attend in the Representative hall, instantler, for the purpose of electing a prosecuting attorney for the 7th judicial circuit, and that seats be provided for them on the right of the speaker's chair.

Messrs. Haymond and Glenn are appointed tellers on the part of the House of Representatives.

Whereupon the Senate repaired to the Hall of the House of Repre-

sentatives, and proceeded to elect by joint ballot, a prosecuting attorney for the 7th judicial circuit, and upon counting the votes on the first ballot, it appeared that

Delana R. Eccles received	103 votes
Scattering	32
	<hr/>
	135

Whereupon the president declared that Delana R. Eccles was duly elected prosecuting attorney, for the 7th judicial circuit, and to serve as such for the term of two years from the adjournment of this Legislature.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives have passed an act, No. 311, of the Senate, entitled, an act providing means by additional State Bank stock for liquidating interest on internal improvement loans of the State, with sundry amendments in which the concurrence of the Senate is respectfully requested.

On motion of Mr. Thompson of L., referred to the committee on State Bank.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am directed to inform the Senate, that the House of Representatives has passed engrossed bill of the Senate, No. 349, entitled, an act for the formation of the 2nd and 3d judicial circuits, and providing for holding courts therein; without amendment.

The following message was received from the House of Representatives, by Mr. Elliot, their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives, to inform the Senate that the House refused to concur in the amendment of the Senate to bill No. 236, relative to the office of school commissioners in certain counties.

On motion of Mr. Puett, the Senate receded from its amendment.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill of the Senate, entitled, No. 60, an act to amend an act, entitled an act to

provide for distributing so much of the surplus revenue of the United States, as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved 23d June, 1836,—approved Feb. 6, 1837; with amendments, in which the concurrence of the Senate is requested.

Mr. Dunning moved to concur in the amendments with an amendment as follows: that borrowers having given personal security shall be entitled to the full provisions of this act; which was agreed to.

Mr. Thompson of P. moved to amend by making it obligatory on the school commissioner to pay out money to the distributing officers as soon as he receives it; which was not agreed to.

Mr. Morgan of D. moved to amend, by striking out that part of the 3d section, which permits borrowers to retain the money longer than under the original law; which was not agreed to.

On the question, shall the amendments of the House be concurred in? the Senate decided in the affirmative.

Leave being branted, Mr. Brady introduced

No. 355—a bill for the formation of a special school district in Marion county; read a first time;

On motion of Mr. Kennedy, the rules were suspended, and the bill read a second and third time and passed.

Mr. Tuley, from select committee reports:

Mr. PRESIDENT—

The select committee to whom was referred the petition of Thomas Sinex and others, on the subject of changing that portion of the Jeffersonville and Crawfordsville road as lies between the town of Jeffersonville and New Albany, from a rail road to that of a McAdam road, have have had the same under their consideration, and have directed me to report that it is inexpedient to legislate thereon, and ask to be discharged from the further consideration thereof. The committee were discharged.

No. 356—a bill to change the mode of doing county business, in the county of Scott; read a first time.

On motion of Mr. Hoagland, the bill was read a second and third times and passed.

Leave being granted Mr. Elliott introduced the following resolution:

Resolved, That when the Senate next adjourns, it will adjourn to meet again on to-morrow morning at 8 o'clock; which was adopted.

On motion of Mr. Stafford, bills on the third reading were taken up.

Bill No. 240, entitled, a bill authorizing an additional justice of the peace to Scott and Coal Creek townships, in Montgomery county; was read a third time and passed.

Bill No. 119, entitled a bill for the formation of Union school district; was read a third time and passed.

Bill No. 24, entitled, a bill abolishing public executions; was read a third time and passed.

Bill No. 33, entitled, a bill providing for the recording of mortgages for personal property; was read a third time and passed.

Bill No. 100, entitled, a bill locating a State road from Napoleon to a point near Elihu Galloway's; was read a third time and passed.

Bill No. 111, entitled a bill to make a State road through a part of Warren and Vermillion counties; was read a third time and passed.

Bill No. 109, entitled, a bill; read a third time and passed.

Bill No. 148, entitled, a bill to locate a State road from Strawtown to Rochester; was read a third time and passed.

Bill No. 126, entitled, a bill to authorize an additional justice of the peace in Brown township, in Montgomery county; was read a third time—and on motion of Mr. Beard, was laid on the table.

Bill No. 150, entitled, a bill to locate a State road from the Kankakee to Laporte; was read a third time and passed.

Bill No. 47, entitled, a bill to incorporate the Logansport insurance company; was read a third time, and on the question, shall the bill pass? the Senate decided in the negative.

Mr. Sigler moved to take up bills upon their 2nd reading; which was not agreed to.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill thereof, No. 381, entitled, an act to incorporate the town of Lebanon, in the county of Boone; in which the concurrence of the Senate is respectfully requested.

Bill No. 381, in the message named, was read a first time.

Mr. Beard moved to suspend the rules of the Senate, and read the bill a second time, which was agreed to.

On motion of Mr. Beard, the rules of the Senate were further suspended, and the bill read a third time and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that they have passed a joint resolution, No. 378, entitled, a joint resolution on the subject of the revision of the laws, in which the concurrence of the Senate is requested.

The joint resolution, No. 378, in the message named, was read a first time, and on motion of Mr. Brady, the rules of the Senate were suspended, and the joint resolution was read a second and third times and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed joint resolution thereof, entitled, No. 392, a joint resolution on the subject of a canal from St. Mary's, Ohio, to Fort Wayne, Indiana; in which the concurrence of the Senate is requested.

The joint resolution, No. 392, in the message named, was read a first time.

On motion of Mr. Colerick,

The rules of the Senate were suspended, the joint resolution was read a second and third times and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, entitled as follows:

No. 86—an act providing for the support of illegitimate children;

No. 174—an act relating to county seminaries; each without amendments. Also,

No. 175—an act to authorize the loaning of the college funds; and

No. 310—an act to incorporate the town of Terre Haute; each with amendments. In which the concurrence of the Senate is requested.

The House of Representatives has also passed engrossed bills and a joint resolution thereof, entitled,

No. 375—an act to amend an act entitled, an act to incorporate the town of Greensburgh, Decatur county, approved Feb. 4, 1837;

No. 376—an act to incorporate the Union rail road company;

No. 379—an act to change a part of the State road between Charlestown and Jeffersonville;

No. 382—an act concerning public defaulters;

No. 383—an act for the relief of J. T. Shields and others;

No. 386—an act to change the lease of a part of the university square, in the town of Indianapolis;

No. 389—an act legalizing the sale of school lands in Parke county;

No. 391—an act relative to a certain State road in Clay county;

No. 394—a joint resolution relative to the injury done the public works on the Wabash river, by the late flood; and

No. 395—an act to re-locate a part of the Bloomington and Rockport State road, and to establish a State road therein named;

In which the concurrence of the Senate is requested.

And also, an engrossed bill of the Senate,

No. 144—an act to establish a university in the State of Indiana, without amendment.

The Speaker of the House of Representatives having signed enrolled bills of the Senate, entitled,

No. 164—an act to incorporate the town of Franklin, in Johnson county;

No. 133—an act to incorporate the town of Rockpert, in Spencer county;

No. 312—an act to appropriate a part of the three per cent. fund of Crawford county;

No. 216—an act to incorporate the Marion and Mississinawa bridge company;

No. 30—a joint resolution on the subject of the State Bank;

No. 304—an act to incorporate the Baily town, and Chicago turn-pike company;

No. 9—an act to incorporate the West Delphi bridge company;

No. 90—an act to improve the breed of horses and sheep; and

No. 143—an act for the promoton of schools and education in Clark's grant;

Also, of the Hoase of Representatives, entitled as follows:

No. 152—an act for the formation of the county of Blackford;

I am directed to bring them to the Senate, for the signature of the president thereof.

The president having signed enrolled bills of the Senate, Nos. 164, 133, 312, 216, 30, 304, 9, 90, 143 and of the House 152, they were handed to the committee to be presented to the governor for his approval and signature.

No. 175—of the Senate. was taken up, and the amendment made by the House thereto, was concurred in.

No. 310 of the Senate, was taken up and the amendments made thereto by the House, were concurred in.

No. 375—of the House, was read a first time.

On motion of Mr. Morgan of D.,

The rules of the Senate were suspended, and the bill read a second and third times and passed.

No. 376—was read a first time.

On motion of Mr. Moffitt, the rules of the Senate were suspended, the bill read a second and third times, and passed.

Bill No. 379 was read a first time.

On motion of Mr. Daily,

The rules of the Senate were suspended, and the bill read a second and third times and passed.

No. 391—an act relative to a certain State road in Clay county; read a first time.

On motion of Mr. Moffitt,

The rules were suspended, read a second and third times and passed.

No. 394—a joint resolution relative to the injury done the public works on the Wabash river, by the late floods; read a first time.

On motion of Mr. Finch,

The rules were suspended, and the bill read a second and third times and passed.

No. 395—an act to re-locate, a part of the Bloomington and Rock-

port State road, and to establish a State road therein named; read a first time.

On motion of Mr. Dunning,

The rules were suspended, and the bill read a second and third times and passed.

No. 382—of the House, an act concerning public defaulters; read a first time.

On motion of Mr. Clark,

The rules were suspended, the bill read a second and third times and passed.

No. 383—an act for the relief of J. T. Shields and others; read a first time.

On motion of Mr. Finch,

The rules were suspended, the bill read a second and third times and passed.

No. 386—an act to change the lease of a part of the university square, in the town of Indianapolis; read a first time.

On motion of Mr. Vawter,

The rules were suspended, and the bill read a second time. On motion of Mr. Clark, laid on the table.

No. 389—an act legalizing the sale of school lands in Parke county; read a first time.

On motion of Mr. Puett,

The rules were suspended, and the bill read a second and third times and passed.

Mr. Mount, from the joint committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills, report that they did this day compare the enrolled with the engrossed bills of the Senate,

No. 144—an act to establish a university in the State of Indiana;

No. 72—of the House, an act to incorporate the town of Paoli, in Orange county;

No. 178—an act to incorporate the town of New Boston, in Wayne county; and find the same truly enrolled.

On motion, Senate adjourned.

THURSDAY MORNING, FEB. 15, 1838.

Senate Assembled.

Mr. Thompson of L. presented a petition from James Barnet and others, on the subject of a state road therein named:

Referred to Messrs. Thompson of L. and Thompson of P.

Mr. Vawter from the committee on the State Bank reports:

Mr. PRESIDENT—

The committee on the State Bank to which was referred a resolution of the Senate, directing an inquiry into the expediency of increasing the stock of the several branches of the State Bank of Indiana, and report by bill or otherwise, &c. &c.

Also a resolution, directing an inquiry into the expediency of extending the capital in the State Bank, thereby more effectually to meet the wants of the people, as to a circulating medium; and that the interest or profits be set apart as a sinking fund for the purpose of defraying the interest on loans made for the purpose of carrying on a system of Internal Improvement, have according to order had the same under consideration, and the committee have directed me to report, that bills have heretofore been reported to the Senate fully providing for the subject matter of said resolutions.

Mr. Vawter from the same committee again reports:

Mr. PRESIDENT—

The committee on the State Bank to which was referred a resolution of the Senate, directing the committee to inquire into the expediency of so amending the law regulating the duties of the Commissioners of the Sinking Fund, so as to make it their duty to loan to each county in the proportion to the number of polls, when application be made for the same, with leave to report by bill or otherwise, have according to order, had the same under consideration, and the committee have directed me to report that legislation at this time on that subject is inexpedient.

The Senate concurred in the report.

Mr. Vawter from same committee reports:

Mr. PRESIDENT—

The committee on the State Bank to which was referred a resolution of the Senate, instructing the committee to inquire into the expediency of so modifying the act establishing a State Bank and Branches, so as a majority of the directors of the State Bank or the General Assembly, may at any time establish an additional number of branches should they deem it expedient, and that no new branch shall be

established until there is a resumption of specie payments by the aforesaid State Bank and Branches, have according to order had the same under consideration, and the committee have directed me to report that legislation at this time is inexpedient.

Mr. Daily from a select committee again reports:

MR. PRESIDENT—

The select committee to whom was referred a bill of the House of Representatives No. 101, supplemental to an act to incorporate the Jeffersonville Insurance company, have according to order had the same under consideration, and have directed me to report it back without amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion, the rules were suspended, and the bill read a 3d time and passed.

Mr. Daily from a select committee again reports:

MR. PRESIDENT--

The select committee to whom were referred a bill of the Senate, No. 191, to incorporate the White river and New Albany Canal company, have instructed me to report the same back, and recommend that it be laid on the table until the first Monday in December next.

The Senate concurred in the report.

Mr. Ewing from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred bill No. 89, entitled a bill for the formation of Congressional districts, and for the election of Senators and Representatives in Congress, have had the same under consideration and have directed me to report the same back to the Senate without amendment, and recommend its lying upon the table.

On motion of Mr. Thompson of L., the bill was indefinitely postponed.

On motion of Mr. Thompson of L., the Senate resolved itself into a committee of the whole on bill

No. 135—An act regulating descents, distribution and dower.

After some time spent therein, the committee rose and the chairman reported that the committee had duly considered the bill committed to it and directed me to report it back with one amendment, in which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

Mr. Thompson of P. moved to strike out the bill from its enacting clause, and insert in lieu thereof the law of 1831.

A division being called; the question being on striking out, upon which the ayes and noes were ordered,

Those who voted in the affirmative were,

Messrs. Beard, Casey, Clark, Colerick, Daily, Dunn, Dunning, Finch, Hackett, Hoagland, Morgan of D., Puett, Stewart, Thompson of P., Trask, Walker, Watts of D. and Watt of U.—18.

Those who voted in the negative were,

Messrs. Baird, Bell, Bowen, Bradbury, Brady, Cathcart, Chambers, Crawford, Dobson, Elliott, Green, Little, Mitchell, Morgan of R., Mount, Sigler, Smith, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, and Vawter—25.

So said bill was not stricken out.

On motion of Mr. Thompson of P., the amendment was considered as engrossed, the bill read a 3d time and passed.

On motion of Mr. Clark,, the Senate resolved itself into a committee of the whole on bill

No. 187, a bill for the protection of canals belonging to the state, the collections of tolls thereon and for other purposes, Mr. Finch called to the chair;

After some time spent therein, the committee rose and the chairman reported that the committee had duly considered the bill and directed me to report it back without amendment, and ask to be discharged.

The Senate discharged the committee.

On motion of Mr. Clark, the rules were suspended, and the bill read 3d time and passed.

MR. PRESIDENT—

The House of Representatives insist on their disagreement to the amendment of the Senate to the engrossed bill of the Senate, No. 89, an act to organize Jasper county.

Messrs. Gregory and Watson are appointed a committee of free conference, on the part of the House of Representatives, to take into consideration the disagreement of the two Houses.

The House of Representatives also insists on its amendment to the bill of the Senate, No. 81, an act regulating damages on protested bills of exchange

Messrs. Judah and Marshall are appointed a committee of free conference on the part of the House of Representatives to take into consideration the disagreement of the two Houses.

And also the House of Representatives insist on their disagreement to the amendment of the Senate to the engrossed bill of the House, No. 172, an act to incorporate the Wabash Hotel Company; and Messrs. Wines of G. and W. and Thompson of A. are appointed a committee of free conference, on the part of the House of Representatives to act with a similar committee on the part of the Senate, in relation to the disagreement of the two Houses.

The House of Representatives recedes from its amendment to the engrossed bill of the Senate, No. 43, an act to alter and define the boundary lines of Grant county.

The House of Representatives has concurred in the amendments of the Senate to the engrossed bills of the House, entitled

No. 276—An act to incorporate the mayor and common council of the town of Delphi.

No. 146—An act to prevent unlawful gaming;

No. 228—An act defining and regulating privileges;

No. 224—An act concerning vagrants;

No. 188—An act against forcible entry and detainer;

No. 138—An act regulating prisons and prison bonds;

No. 113—An act to provide for the improvement of the navigation of the Big St. Joseph river;

No. 134—An act to incorporate the town of Indianapolis, in Marion county;

No. 182—An act to organize the county of Whitly;

No. 186—An act to authorize the seizure of boats and other vessels for debt;

No. 200—An act to incorporate the city of Logansport;

No. 279—An act to incorporate the Michigan and Indiana rail road company;

No. 289—An act to incorporate the Warsaw Manufacturing Co.

No. 336—An act to determine the manner in which a division of the county of Greene may be made;

No. 402—An act regulating the courts in the 1st judicial circuit;

The House of Representatives have passed engrossed bills of the Senate of the following titles, to-wit:

No. 88—An act to regulate marriages;

No. 87—An act providing for the incorporation of towns;

No. 317—An act to regulate the mode of summoning and empannelling grand and petit jurors;

No. 335—An act to provide for holding a term of the circuit court in the county of Cass;

No. 320—An act to change the name of the town of Mauksport, in the county of Harrison, to that of New Market;

No. 346—An act declaring certain county roads therein named, state roads;

No. 124—An act for the relief of the poor;

No. 142—An act for the regulation of the state prison;

No. 123—An act to provide for the inspection of salt, beef, flour, pork, and tobacco;

No. 170—An act concerning the state library;

No. 94—An act to provide for electing county and township officers;

No. 153—An act concerning corporations;

No. 98—An act to regulate general elections.

All without amendment.

The House of Representatives has also passed engrossed bills and joint resolutions of the Senate, entitled as follows, to-wit:

No. 321—A joint resolution on the subject of extending the

grant of land for the Wabash and Erie canal;

No. 342—A joint resolution relative to the state printing for 1838;

No. 126—An act concerning debtors and their securities;

No. 334—An act to amend an act to incorporate the town of Perryville in the county of Vermillion; approved Jan. 27, 1831;

No. 347—An act to legalize the sale of certain town lots therein named, and for other purposes;

No. 307—An act for the incorporation of public libraries;

No. 323—An act to regulate trials of the right of property;

No. 325—An act subjecting certain articles to sale, for repairs after a certain period;

No. 326—An act to authorize writs of ne exeat;

No. 324—An act for giving to mechanics a lien upon buildings;

No. 328—An act prescribing the mode of changing the venue in criminal cases;

No. 332—An act to incorporate the Lawrenceport Bridge Company;

No. 322—An act defining the duties of recorders;

No. 308—An act for the incorporation of county libraries;

Each without amendment.

Also an engrossed bill of the Senate,

No. 314—An act organizing the supreme court and defining its powers and duties, with amendment.

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed enrolled Bills and joint resolutions of the Senate entitled as follows:

No. 144—An act to establish a university in the state of Indiana;

No. 146—An act prescribing the mode of authenticating copies from the records of the State Board of Internal Improvement;

No. 145—An act to amend an act entitled an act organizing circuit courts, and defining their powers and duties; approved January 24th, 1831;

No. 140—A joint resolution for the benefit of the collector of Scott county for the year 1837;

No. 84—An act respecting apprentices;

No. 85—An act to authorize the vacation of towns;

No. 14—A joint resolution of the General Assembly of the State of Indiana;

No. 127—An act relative to fugitives from labor;

No. 165—An act to incorporate the Northfield Steam Mill and Manufacturing Company;

And also of the House of Representatives, entitled,

No. 72—An act to incorporate the town of Paoli, in Orange county;

No. 178—An act to incorporate the town of New Boston in Wayne county.

I am directed to bring them to the Senate for the signature of the President thereof.

No. 314—An act organizing the supreme court and defining its powers and duties, with amendments.

The amendments were concurred in.

No. 89—An act to organize Jasper county.

On motion of Mr. Cathcart the Senate insists upon their amendment;

Ordered, that Messrs. Cathcart and Crawford be a committee of free conference, to meet with a similar committee appointed by the House to take into consideration the disagreement of the two Houses.

No. 172—An act to incorporate the Wabash Hotel Company.

The House refuses to agree to the amendments of the Senate.

Mr. Trask moved that the Senate recedes from their amendments; which was not agreed to.

On motion of Mr. Stanford the Senate insists upon their amendments.

Ordered, that Messrs. Stanford and Mitchell be a committee of free conference to meet with a similar committee appointed by the House to take into consideration the disagreement of the two Houses.

The President having signed bills mentioned in the message Nos. 144, 146, 145, 140, 84, 85, 14, 127, 165, 72, and 178, they were handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives by Mr. Elliott their Clerk:

MR. PRESIDENT—

The House of Representative has passed engrossed bills of the Senate, entitled,

No. 71—An act to incorporate the Laurel Franklin County Bridge Company;

No. 128—An act for the protection of bridges;

No. 309—An act for the incorporation of agricultural societies;

Each without amendment.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has instructed me to inform the Senate that they have passed a bill, No. 238, a bill to amend an act entitled an act to incorporate the town of Jeffersonville in the county of Clark; in which the concurrence of the Senate is respectfully requested.

The bill was read a 1st time.

On motion of Mr. Daily the rules were suspended and the bill was read a 2d and 3d times and passed.

Mr. Ewing from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee have this day presented to the Governor for his approval and signature,

Bill No. 393, of the House of Representatives, entitled an act changing the time of holding courts in the counties of Hancock, Morgan, Hendricks, Boon, Hamilton, and Marion.

Mr. Stanford from the the committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate,

No. 174—An act relating to county seminaries;

No. 109—An act authorizing and regulating arbitrations.

And find them truly enrolled.

Mr. Mount from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House;

No. 216—An act to revive and confirm certain state roads therein named in the counties of White, Pulaski, Marshall and Carroll, and for other purposes;

No. 369—An act for the relief of Edward Lane;

No. 367—An act to legalize the sale of school section 16, in Porter county;

No. 18—An act to amend the act for the repairing and opening public roads and highways; approved Feb. 10, 1831;

No. 393—An act changing the time of holding courts in Hancock, Morgan, Hendricks, Boon, and Marion counties.

No. 226—An act relative to limited partnerships;

No. 353—An act for the relief of the children of James C. Lee;

No. 342—An act for the relief of the heirs of Jas. H. Wallace;

No. 359—An act for the relief of John Bell;

No. 370—An act to change the town of Middletown in Washington county to Claysville;

No. 355—An act concerning tenants holding over;

No. 368—An act regulating the mode of keeping stallions and jacks;

No. 218—An act for opening and repairing public roads and highways in the county of Gibson;

No. 304—An act to legalize the sale of certain school lands in Orange county;

No. 264—An act to authorize Mary Butler to convey certain real estate;

No. 288—An act to legalize the acts of the trustees of the town of Putnamville in the county of Putnam;

No. 108—An act to authorize the erection of a mill dam across the Wabash river;

No. 278—An act for the suppression of professional gambling;

No. 337—An act to amend an act entitled an act for the relief of David Millburn and others, approved Feb. 4, 1837;

No. 81—An act to incorporate the town of Martinsville in Morgan county;

No. 307—An act supplemental to an act to locate a state road from Salem to Charlestown;

No. 267—An act to incorporate the Indiana manufacturing company;

No. 261—An act to vacate the town of Grandview in the county of Clinton;

No. 331—An act to authorize the election of the trustees of the county library of Dubois county:

No. 364—An act to repeal the 8th, 9th and 10th sections of an act to incorporate the Clay county trustees, approved Feb. 2, 1837;

No. 310—A joint resolution for the relief of Burnet R. Still;

No. 313—A joint resolution for the benefit of the collector of Fountain county for 1837;

No. 360—An act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph river;

No. 85—An act to amend an act entitled an act regulating the admission and practice of attorneys and counsellors at law, approved Jan. 31, 1824;

And find the same truly enrolled.

Mr. Ewing from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature, bills of the following titles:

No. 312—An act to appropriate a part of the three per cent. fund of Crawford county;

No. 304—An act to incorporate the Bailytown and Chicago turnpike company;

No. 133—An act to incorporate the town of Rockport in Spencer county;

No. 9—An act to incorporate the West Delphi bridge company;

No. 216—An act to incorporate the Marion and Mississinawa bridge company;

No. 164—An act to incorporate the town of Franklin in Johnson county;

No. 90—An act to improve the breed of horses and sheep;

No. 143—An act for the promotion of schools and education in Clark's Grant.

No. 30—A joint resolution on the subject of the State Bank; and,

No. 152—An act for the formation of the county of Blackford;

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed joint resolution thereof, entitled,

No. 405—A joint resolution relative to the Board of Fund Commissioners;

In which the concurrence of the Senate is requested.

The Speaker of the House of Representatives having signed an enrolled bill of the House of Representatives,

No. 393—An act changing the time of holding courts in Hancock, Morgan, Hendricks, Boon and Marion counties;

I am directed to bring it to the Senate for the signature of its President.

No. 405, a joint resolution relative to the Board of Fund Commissioners; read a 1st time;

On motion of Mr. Crawford, the rules were suspended, and read a 2d time.

Mr. Puett moved to amend by striking out 12 and insert 5 for mileage.

Mr. Thompson of L. moved to indefinitely postpone the resolution.

Which was not agreed to.

Mr. Colerick moved to commit it with the amendment to the Canal Fund Committee.

On motion of Mr. Morgan of D., laid on the table.

The President having signed bill No. 393 mentioned in the message, it was handed to the committee to be presented to the Governor for his approval and signature.

The President laid before the Senate the following message from the Governor by his Private Secretary:

EXECUTIVE DEPARTMENT,
February 15, 1838.

To the President of the Senate:

I herewith return to the Senate for its re-consideration, a bill No. 40, entitled "an act to incorporate a certain company therein named," agreeably to the request of the Senate contained in its resolution of the 10th instant.

The views of the Senate as expressed in the preamble to said resolution, renders it entirely unnecessary, for me to assign any reason why I should not put my signature to this bill.

DAVID WALLACE.

The question then was, will the Senate pass the bill mentioned in the message;

On which question, the ayes and noes being ordered, all the Senators present voted in the negative.

On motion of Mr. Thompson of L., No. 394, a joint resolution relative to the injury done to the public works on the Wabash river by the late floods, was taken up, the rules were suspended, read a 3d time and passed.

Leave being granted, Mr. Moore from a select committee reported:

That the select committee to whom was referred the petition of Willbite and others, for the relief of John G. Burtch, have had the same under consideration and directed me to report the following joint resolution:

No. 360—A joint resolution relative to John G. Burch of Daviess county; read a 1st time;

On motion, the rules were suspended, read a 2d and 3d times and passed.

Leave being granted, Mr. Watts of D. from a select committee report:

That the select committee to whom was referred a bill of the Senate No. 183, a bill to amend an act entitled an act to

On motion of Mr. Sigler, No. 159, a bill to divorce James Talbott from Frances Talbott, was taken up and read a 2d time;

Ordered, To a 3d reading on to-morrow.

On motion of Mr. Puett, bill No. 55, a bill declaring Sugar creek in Parke county a public highway, was taken up;

On motion of Mr. Puett, referred to a select committee of Messrs. Puett, Beard and Bowen.

On motion of Mr. Colerick, No. 54, a bill to correct a misprint and to legalize the location of a state road from Muncietown to Fort Wayne, was taken up;

Read a 2d and 3d times, the rules being suspended and passed.

On motion of Mr. Brady, bill No. 386, an act to change the lease of a part of the University square in the town of Indianapolis, was taken up:

On motion of Mr. Clark, referred to Messrs. Clark, Brady and Stanford.

On motion of Mr. Thompson of L., bills on their second reading were taken up.

No. 17—An act to declare a misprint;

On motion, the rules were suspended, the bill read a third time and passed.

No. 9—An act to legalize the election of seminary trustees in Hancock county;

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 37—An act to amend the 16th section of an act relating to state roads, approved Feb. 6, 1837;

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 166—An act to locate a state road therein named;

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 58—An act to amend an act entitled an act to appropriate part of the three per cent. fund in the county of Bartholomew, approved Feb. 3, 1837;

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 98—An act to amend an act entitled an act for the formation of the county of Brown, approved Feb. 4, 1836,

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 79—An act to authorize the board doing county business of Tippecanoe county to make a certain payment therein named;

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 118—A bill for the divorce of John Duval and Nancy Duval;

On motion, the rules were suspended, the bill read a 2d time;

On the question, shall the bill pass to a 3d reading?

Those who voted in the affirmative were,

Messrs. Beard, Bell, Bradbury, Brady, Casey, Chambers, Crawford, Daily, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Little, Moore, Morgan of R., Puett, Sigler, Smith, Stewart, Turman, Watt of U. and Vawter—25.

Those who voted in the negative were,

Messrs. Baird, Cathcart, Clark, Dobson, Dunn, Kennedy, Mitchell, Moffitt, Morgan of D., Mount, Stafford, Stanford, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, and Watts of D. —18.

So the bill passed to a 3d reading on to morrow.

On motion of Mr. Ewing, bill No. 336, a bill to provide for the salary of Wm. Polke, late Commissioner of the Michigan Road.

On motion of Mr. Crawford, the blank was filled with \$200, the rules were suspended and the bill read a 3d time and passed.

Leave being granted, Mr. Puett from a select committee reports:

MR. PRESIDENT—

The select committee to whom was referred a bill, No. 55, entitled, an act declaring Sugar creek in Parke county, a public highway, have had the same under consideration, and have directed me to report it to the Senate with one amendment and ask their concurrence therein. The amendment was concurred in.

On motion, the rules were suspended, the bill read a third time and passed.

Mr. Clark from the select committee, reports,

MR. PRESIDENT—

The select committee to whom was referred an engrossed bill from the House of Representatives, No. 386, entitled, an act to change the lease of a part of the university square in the town of Indianapolis, with instructions to amend the same, have directed me to report an amendment, in which the concurrence of the Senate is requested.—The Senate concurred in the amendment.

On motion, the rules were suspended, the bill read a third time and passed.

On motion, the Senate adjourned.

Half past 1 o'clock, P. M.

Senate assembled.

Leave being granted, Mr. Dunning introduced, No. 361—a bill to provide for the times of holding the circuit courts in the 7th judicial circuit in the State of Indiana; read a first time.

On motion of Mr. Dunning,

The rules were suspended, the bill read a second and third times and passed.

On motion of Mr. Finch,

The rules were suspended, and bill No. 173, an act concerning the auditor of public accounts and the treasurer of State; read a first time:

On motion of Mr. Dunning,

Referred to the select committee to whom was referred a bill on the same subject.

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, entitled,

No. 95—an act relative to opening and repairing public roads and highways, and for other purposes; and

No. 91—an act to establish and regulate ferries; each with amendment—in which the concurrence of the Senate is requested. Also

No. 306—an act to organize probate courts and defining the powers and duties of executors, administrators and guardians; without amendment.

No. 95—an act relative to opening and repairing public roads and highways, and for other purposes; the amendments were concurred in.

No. 91—an act to establish and regulate ferries. The Senate concurred in the amendments.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills thereof, entitled,

No. 274—an act providing for a more uniform mode of doing township business in the several counties in this State;

No. 374—an act for the stay of executions in certain cases;

No. 395—an act for the incorporation of Raysville; in which the concurrence of of the Senate is requested.

No. 274—an act providing for a more uniform mode of doing township business in the several counties in this State; read a first time.

On motion of Mr. Clark,

The rules being suspended, the bill read a second time.

Mr. Morgan of D. moved to strike out the 15th section, which was agreed to.

On motion of Mr. Colerick,

The rules were suspended, the bill read a third time and passed.

No. 305—an act for the incorporation of Raysville; read a first time.

On motion of Mr. Stanford,

The rules were suspended, the bill read a second and third times and passed.

No. 374—an act for the stay of executions in certain cases; read a first time.

On motion of Mr. Thompson of P.,

The rules were suspended and the bill read a second time, and on the question, shall the bill pass? the Senate decided in the negative. The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Casey, Clark, Green, Hacket, Mitchell, Moore, Morgan of R., Mount, Smith, Stanford, Stewart, Walker, Watts of D. and Watt of U.—14.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Cathcart, Cole, Colerick, Crawford, Daily, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Hoagland, Kennedy, Little, Moffitt, Morgan of D., Sigler, Turman, Thompson of J., Thompson of L., Thompson of P. Trask, Tuley and Vawter—30.

On motion of Mr. Thompson of P.,

Bill No. 400—a bill regulating the time of holding courts in the 4th judicial circuit, was taken up; the rules suspended, read a second time, and referred to Messrs. Thompson of P., Stewart, and Casey.

On motion of Mr. Kennedy,

No. 293—a joint resolution relative to the purchase of maps, was re-considered.

Mr. Morgan of R. moved to amend the bill, so that the cost of the map should not exceed \$8. Not agreed to.

Mr. Clark moved to amend, by striking out "twelve," and inserting "nine dollars," which was agreed to.

On motion, the rules were suspended, the bill read a third time and passed.

Mr. Stanford, from the committee of free conference, reports,

Mr. PRESIDENT—

The committee of free conference, appointed by the two Houses to take into consideration the disagreeing vote of the two Houses, relative to an amendment of the Senate, to a bill of the House of Representatives, entitled, an act to incorporate the Wabash hotel company, have agreed to add to the said amendment the following: "after fifteen years,"—to which I am instructed to ask the concurrence of the Senate. The Senate concurred in the report.

On motion of Mr. Clark bills on their 2d reading were taken up.

No. 52—A bill to regulate the summoning of Jurors in the 6th judicial circuit; read a 2d time.

On motion of Mr. Morgan of R. the rules were suspended, the bill read a 3d time and passed.

No. 50—A bill explanatory of an act entitled an act incorporating the New Albany Canal Company; read a 2d time.

On motion of Mr. Daily, laid on the table until the 1st Monday in December next.

No. 51—An act granting additional time for the collector of revenue in Porter county; read a 2d time.

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 47, of the House, an act relating to the collection of the state and county revenue in the county of Lake; read a 2d time.

On motion the rules were suspended, read a 3d time and passed.

No. 71—An act for the relief of John Carmichael; read a 2d time.

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 48—Of the House, an act to repeal an act entitled an act relative to the jurisdiction and duties of justices of the peace in Clay county; read a 2d time.

On motion of Mr. Moffitt the rules were suspended, the bill read a 3d time and passed.

No. 38—A bill for establishing a state road; read a 2d time

On motion, the rules were suspended, the bill read a 3d time and passed.

Leave being granted, Mr. Morgan of R. introduced

No. 364—A bill to vacate part of a street on the donation near Indianapolis; read a 1st time.

On motion of Mr. Morgan of R. the rules were suspended and the bill read a 2d and 3d times and passed.

No. 62—A bill to incorporate the Mishawaka Iron and Manufacturing Company; read a 2d time.

On motion, the rules were suspended, the bill read a 2d and 3d times and passed.

No. 15—A bill to change the name of Middletown in Washington county, to Claysville; read a 2d time.

On motion, the bill was laid on the table.

No. 66—A bill to amend an act entitled an act to provide for distributing so much of the surplus revenue of the U. S. as the state of Indiana may be entitled to receive by virtue of an act of Congress, approved June 23d, 1836; read a 2d time.

Rules suspended and read a 3d time and passed.

No. 61—A bill to authorize the relocating of the state road in Gibson county; read a 2d time.

On motion, the rules were suspended, the bill read a 3d time and passed.

No. 70—A bill to provide for the location of the Richmond Sparsburg and Fort Wayne state road; read a 2d time.

On motion the rules were suspended, read a 3d time and passed.

No. 101—A bill to provide for the further improvement of the Michigan road; read a 2d time, and,

On motion, laid on the table.

No. 56—A bill to encourage the killing of wolves; read a 2d time.

Mr. Smith moved to strike out the word "state" and insert "county;" which was agreed to.

On motion, the bill was indefinitely postponed.

No. 154—A joint resolution on the subject of the State Bank of Indiana; read a 2d time.

On motion, laid on the table.

No. 319—A bill to provide for the further improvement of the Michigan road north of Napoleon; read a 2d time.

Mr. Colerick moved to strike out the word "Napoleon" and insert "Indianapolis."

On motion of Mr. Morgan of D. referred to a select committee of Messrs. Morgan of D., Ewing, Smith, Baird, Walker, Crawford, Cathcart and Finch.

Mr. Morgan of R. moved to instruct the committee to add an additional section which he then presented; which was agreed to.

On motion of Mr. Ewing the vote given on the passage of bill, No. 47, a bill to incorporate the Logansport Insurance Company, was reconsidered.

On motion of Mr. Ewing referred to a select committee, with instructions to strike out the most obnoxious features of said bill;

Ordered, that that committee be Messrs. Ewing, Stanford, Baird, Kennedy and Dunn.

No. 149—A bill to amend an act entitled an act to incorporate the St. Joseph Iron Company; read a 2d time.

On motion, laid on the table.

Leave being granted, Mr. Vawter introduced the following resolution:

Resolved, That when this Senate adjourns, it will adjourn to meet again on to-morrow morning at 8 o'clock; which was agreed to.

Mr. Ewing from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills has this day presented to the Governor for his approval and signature, the following:

No. 144—An act to establish a university in the state of Indiana;

No. 178—An act to incorporate the town of New Boston, in Wayne county;

No. 145—An act to amend an act entitled an act organizing circuit courts and defining their powers and duties;

No. 84—An act respecting apprentices;

No. 140—A joint resolution for the benefit of the collector of Scott county, for the year 1837.

The following message was received from the Governor, by his private secretary, Mr. Maguire:

MR. PRESIDENT—

I am requested to inform the Senate that the Governor has approved and signed acts which originated in the Senate, entitled as follows, to-wit:

No. 106—an act to amend the charter of the Borough of Vincennes;

No. 58—an act to locate a State road in the county of Boon;

No. 145—An act to amend an act entitled an act organizing circuit courts and defining their powers and duties, approved Jan. 24, 1831;

No. 146—An act prescribing the mode of authenticating copies from the records of the State Board of Internal Improvement;

No. 84—An act respecting apprentices;

No. 165—An act to incorporate the Northfield steam mill and manufacturing company;

No. 143—An act for the promotion of schools and education in Clark's Grant;

No. 9—An act to incorporate the West Delphi Bridge Company;

No. 312—An act to appropriate a part of the three per cent. fund of Crawford county;

No. 216—An act to incorporate the Marion and Mississinewa Bridge company;

No. 304—An act to incorporate the Bailytown and Chicago Turnpike Company;

No. 164—An act to incorporate the town of Franklin, in Johnson county;

No. 133—An act to incorporate the town of Rockport, in Spencer county;

No. 90—An act to improve the breed of horses and sheep;

No. 144—An act to establish a university in the state of Indiana;

And also joint resolutions entitled as follows:

No. 30—A joint resolution on the subject of the State Bank;

No. 140—A joint resolution for the benefit of the collector of Scott county for the year 1837;

No. 14—A joint resolution of the General Assembly of the State of Indiana;

All of which originated in the Senate.

On motion, Senate adjourned.

FRIDAY MORNING, FEB. 16, 1838.

Senate assembled,

Mr. Thompson of P. from a select committee reports:

That the select committee to whom was referred No. 400, a bill fixing the time of holding courts in the 4th judicial circuit, have made several amendments;

To which the concurrence of the Senate is requested.

The amendments were concurred in.

On motion of Mr. Crawford, the rules were suspended and the bill read a 3d time and passed.

The following message was received from the House of Representatives, by Mr. Vandever their member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House has passed a bill,

No. 397, for the relief of Willis G. Atherton and others;

To which the concurrence of the Senate is respectfully requested.

Read a 1st time; on motion of Mr. Bell, the rules were suspended, and the bill read a 2d time;

Mr. Bell moved that the rules be suspended and the bill read a 3d time; which was not agreed to.

On motion, referred to Messrs. Kennedy, Bell and Clark.

The following message was received from the House of Representatives by Mr. Proffitt their member:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills thereof, entitled,

No. 318—An act making specific appropriations for the year 1838;
 No. 317—An act making general appropriations for the year 1838;
 In which the concurrence of the Senate is requested.

No. 318, an act making specific appropriations for the year 1838;
 read a 1st time;

On motion of Mr. Daily, read a 2d time, the rules being suspended.

On motion of Mr. Vawter, committed to a committee of the whole
 and made the order of the day now, Mr. Dunn called to the chair;

After some time spent therein the committee rose and the chairman
 reported that the committee had duly considered the bill committed
 and directed me to report it to the Senate with amendments, in which
 the concurrence of the Senate is requested.

The amendments were concurred in severally.

Mr. Elliott moved further to amend by adding an amendment allow-
 ing the Treasurer of State certain moneys being expended by him as
 superintendent of the state house;

Which was agreed to.

Mr. Little moved to strike out "fifty cents" in that part relating to
 the wages of sergeant-at-arms and door keeper.

Mr. Thompson of L. moved the previous question;

Which was sustained by the Senate.

The question then was, shall the bill be engrossed for a 3d reading;

Which was agreed to.

The ayes and noes being ordered.

Those who voted in the affirmative were,

Messrs. Baird, Bell, Bowen, Casey, Cathcart, Clark, Cole, Cole-
 rick, Crawford, Daily, Dobson, Dunning, Elliott, Ewing, Green,
 Hackett, Hoagland, Kennedy, Mitchell, Moore, Morgan of R., Puett,
 Sigler, Stafford, Stewart, Turman, Thompson of J., Thompson of L.,
 Trask, Tuley, Watt of U. and Vawter—32.

Those who voted in the negative were,

Messrs. Beard, Bradbury, Dunn, Finch, Little, Moffitt, Morgan of
 D., Mount, Stanford, Thompson of P., Walker and Watts of D.—12.

On motion of Mr. Sigler, the bill was considered as engrossed, read
 a 3d time and passed.

Ordered, That the Secretary inform the House of Representatives
 thereof.

No. 317, an act making general appropriations for the year 1838;
 read a 1st time;

On motion of Mr. Vawter, the rules were suspended and the bill
 read a 2d time;

On motion of Mr. Vawter, the Senate resolved itself into a commit-
 tee of whole on the further consideration of the bill, Mr. Crawford,
 called to the chair.

After some time spent therein, the committee rose and the chairman reported that the committee had duly considered the bill referred to it, and directed him to report it back with one amendment;

In which the concurrence of the Senate is requested.

The Senate concurred in the amendment.

On motion of Mr. Dobson, the rules were suspended, the bill read a 3d time and passed.

Ordered, That the Secretary inform the House of Representatives thereof.

Mr. Stanford from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate,

No. 349—An act for the formation of the 2d and 3d judicial circuits and providing for holding courts therein;

No. 86—An act providing for the support of illegitimate children;

No. 309—An act for the incorporation of agricultural societies;

No. 317—An act to regulate the mode of summoning and empannelling grand and petit jurors;

No. 171—An act to authorize the loaning of the College funds;

No. 334—An act to amend an act entitled an act to incorporate the town of Perrysville in the county of Vermillion, approved January 29, 1831;

No. 43—An act to alter and define the boundary lines of Grant county;

No. 347—An act to legalize the sale of certain town lots therein named and for other purposes;

No. 328—An act prescribing the mode of changing the venue in criminal cases;

No. 335—An act to provide for holding a term of the circuit court in the county of Cass;

No. 321—A joint resolution on the subject of extending the grant of land for the Wabash and Erie canal;

No. 348—An act for the formation of the 9th judicial circuit and fixing the times of holding courts therein;

No. 320—An act to change the name of the town of Mauksport in Harrison county to that of New Market;

No. 346—An act declaring certain county roads therein named state roads;

No. 307—An act for the incorporation of public libraries;

No. 128—An act for the protection of bridges;

No. 343—A joint resolution relative to the state printing for 1838;

No. 101 of the House of Representatives, entitled an act to incorporate the Jeffersonville Insurance company;

And find them truly enrolled.

Mr. Stanford from the joint committee on enrolled bills again reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bill of the Senate,

No. 188, entitled an act for the relsef of Wirts and Reinhard of the City of Louisville and state of Kentucky;

And find the same truly enrolled.

The President laid before the Senate a report from the State Board of Internal Improvement.

On motion of Mr. Clark, laid on the table.

Leave being granted, Mr. Thompson of P. from a select committee reports:

Mr. PRESIDENT—

The select committee to which was referred the bill of the Senate No. 141, entitled a bill regulating the fees and salaries of the several officers and persons therein named, have directed me to report the same back to the Senate and recommend several amendments.

The amendments were concurred in generally.

On motion of Mr. Dobson, the rules were suspended and the bill read a 3d time and passed.

Mr. Thompson of P. from a select committee again reports:

Mr. PRESIDENT--

The select committee to which was referred a bill of the Senate No. 173, entitled a bill concerning the Auditor of Public Accounts and the Treasurer of State, have directed me to report the same back to the Senate and recommend several amendments.

Mr. Clark moved to strike out "twenty-five hundred" and insert "three thousand."

A division being called, the question was on striking out;

Which was negatived.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Clark, Cole, Colerick, Crawford, Dunn, Elliott, Finch, Moffitt, Mount, Sigler, Turman, Thompson of J., Thompson of L., and Trask—17.

Those who voted in the negative were,

Messrs. Bell, Bradbury, Casey, Cathcart, Daily, Dobson, Dunning, Ewing, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moore, Morgan of D., Morgan of R., Puett, Stafford, Stanford, Stewart, Thompson of P., Tuley, Walker, Watts of D. Watt of U. and Vawter—27.

Mr. Clark moved to strike out "one thousand" and insert "not exceeding fifteen hundred" at the discretion of Board of Internal Improvement.

Mr. Morgan of R. moved to amend by inserting \$1200 as a fixed salary; which was adopted.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bell, Bradbury, Casey, Cathcart, Daily, Dobson, Dunn, Dunning, Elliott, Green, Hackett, Little, Mitchell, Moore, Morgan of D., Morgan of R., Mount, Puett, Stafford, Stanford, Stewart, Turman, Thompson of P., Tuley, Walker, Watts of D., Watt of U. and Vawter—28.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Clark, Cole, Colerick, Crawford, Ewing, Hoagland, Moffitt, Sigler, Thompson of J., Thompson of L., and Trask—14.

The question then recurred on the amendment of the Senator from Tippecanoe; the ayes and noes being called,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Casey, Cathcart, Clark, Colerick, Crawford, Dunn, Dunning, Elliott, Mitchell, Moffitt, Moore, Morgan of R., Mount, Puett, Sigler, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Walker, Watt of U. and Vawter—28.

Those who voted in the negative were,

Messrs. Daily, Dobson, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Little, Morgan of D., Stafford, Stewart, Thompson of P., Trask, and Watts of D.—15.

So the amendment was adopted.

Mr. Crawford moved to amend by allowing the Engineer on the Michigan and Erie canal \$1500.

Mr. Sigler moved further to amend by allowing the Engineer on the Jeffersonville and Crawfordsville route \$1500; which was accepted.

The question then was, shall the amendment be adopted?

The Senate decided in the negative.

The question then recurring, will the Senate concur in the report?

The Senate decided in the affirmative.

Mr. Clark moved to strike out the 8th and 17th sections;

Which was agreed to.

On motion, the Senate adjourned.

Half past 1 o'clock P. M.

Senate assembled.

Mr. Bell, from a select committee, reports,

MR. PRESIDENT—

The select committee to whom was referred an engrossed bill, No. 397, from the House of Representatives, for the relief of Willis G. Atherton and others, have according to order, had the same under their consideration, and have instructed me to report the bill with one amendment. The Senate concurred in the amendment.

On motion of Mr. Mitchell,

The rules were suspended, the bill read a third time and passed.

Mr. Cathcart, from the committee of free conference, reports,

MR. PRESIDENT—

The committee of free conference, appointed to take into consideration the disagreement between the two Houses upon the bill of the House, No. —, entitled, an act to organize Jasper county, have directed me to report one amendment, and ask the concurrence of the Senate to the same.

On motion, the Senate concurred in the report.

Leave being granted, Mr. Cathcart presented

No. 367—a bill to incorporate the trustees of the Laporte university; read a first time.

On motion of Mr. Cathcart,

The rules were suspended, the bill read a second and third times and passed.

The following message was received from the House of Representatives, by Mr. Elliot, their clerk:

MR. PRESIDENT--

The House of Representatives have instructed me to inform the Senate that the House has passed an engrossed bill of the House, No. 340, entitled, a bill to amend an act, entitled, an act to provide for a general system of internal improvement, approved Jan. 27, 1836, and ask respectfully the concurrence of the Senate therein.

The bill was read a first time.

On motion of Mr. Casey, the rules were suspended, and

The bill read a second and third times and passed.

Mr. Kennedy moved to strike out the original bill and insert in lieu thereof the following: "a bill granting certain water privileges to the town of Evansville;" which was agreed to.

Ordered, That the secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

The House have passed the following engrossed bill of the House, No. 401, entitled, an act supplemental to an act, entitled, an act to incorporate the town of Paoli in Orange county, approved Feb. 15, 1838; in which the concurrence of the Senate is respectfully requested. The bill was read a first time.

On motion of Mr. Stewart,

The rules were suspended, and read a second and third times and passed.

Mr. Dunning introduced,

No. 368—a bill supplemental to an act, entitled, an act authorizing the sale of certain school lands therein named and for other purposes, approved Jan. 1, 1838; read a first time.

On motion of Mr. Dunning,

The rules were suspended, the bill read a second and third times and passed.

On motion of Mr. Beard,

No. 126—a bill to authorize an additional justice of the peace in Brown township, in Montgomery county, was taken up.

Mr. Beard moved to amend, by striking out the word "Indiana," and also strike out the word "publication," and insert in lieu thereof, "passage."

On motion, the rules being suspended, the bill was read a third time and passed.

On motion of Mr. Finch,

No. 188—a bill authorizing a survey of a road in Clinton and Carroll counties, was taken up, read a second and third times, on motion of Mr. Finch, the rules being suspended.

Mr. Kennedy moved to amend, by "providing the engineer can make survey without interfering with his duties, or at the cost of the State." Agreed to.

On motion of Mr. Mitchell,

The bill was considered as engrossed, read a third time and passed.

On motion of Mr. Kennedy,

No. 345—a bill for the relief of Elizabeth Limming and Mary Ann Ogden, was taken up.

Mr. Vawter moved to amend, by adding an additional section;—which was accepted.

Mr. Bowen moved that the bill and amendment be definitely postponed, which was not agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Bowen, Cathcart, Clark, Dobson, Dunn, Little, Mof-

fitt, Morgan of D., Mount, Stafford, Stanford, Thompson of L., Thompson P., Tuley and Watts of D.—16.

Those who voted in the negative were,

Messrs. Beard, Bell, Bradbury, Brady, Casey, Cole, Crawford, Daily, Dunning, Elliott, Ewing, Finch, Green, Hacket, Hoagland, Moore, Morgan of R., Stewart Turman, Trask, Walker, Watt of U. and Vawter—23.

Mr. Dunning moved to amend, by adding an additional section;—which was agreed to.

Mr. Elliott also moved to amend, by adding an additional section. Adopted by consent.

On motion of Mr. Dunning,

The bill and amendments were laid on the table.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that the House has passed engrossed bills thereof, entitled,

No. 350—an act to divorce Lucy Hudson from Daniel Hudson;

No. 362—an act to permit and authorize the State of Ohio to construct a part of the Cincinnati and White Water canal within the territory of the State of Indiana;

No. 347—an act repealing all laws and parts of laws now in force granting premiums for wolf scalps.

In which the concurrence of the Senate is respectfully requested.

No. 350—an act to divorce Lucy Hudson from Daniel Hudson; read a first time.

On motion, the rules were suspended, and the bill read a second time. On motion, laid on the table.

No. 347—an act repealing all laws and parts of laws now in force granting premiums for wolf scalps; read a first time.

On motion, the rules were suspended, and the bill read a second time.

Mr. Crawford moved to indefinitely postpone the bill; which was not agreed to.

On motion, the rules were suspended, and the bill read a third time. On the question, shall the bill pass? the ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Cathcart, Cole, Daily, Dunn, Elliott, Green, Hacket, Little, Moffitt, Moore, Morgan of D., Puett, Stafford, Stanford, Stewart, Thompson of J., Thompson of P., Trask, Tuley, Watts of D. and Watt of U.—26.

Those who voted in the negative were,

Messrs. Bell, Clark Colerick, Crawford, Dobson, Dunning, Ewing, Finch, Hoagland, Kennedy, Mitchell, Morgan of R., Mount, Smith, Thompson of L., Walker and Vawter—17.

So the bill passed.

Mr. Trask moved to re-consider the vote. The Senate did not consent.

No. 362—an act to permit and authorize the State of Ohio to construct a part of the Cincinnati and White Water canal, within the territory of the State of Indiana; read a first time. Ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed engrossed bills of the House of Representatives,

No. 341—entitled an act to change the provisions of an act, entitled, an act to regulate the mode of doing county business, approved Jan. 19, 1836, in the county of Porter.

No. 137—entitled an act regulating the taking up of animals going estray, and water craft and other articles of value adrift.

In both which the concurrence of the Senate is respectfully requested.

No. 341—read a first time; on motion of Mr. Cathcart, the bill was rejected.

No. 137—a bill mentioned in the message, was read a first time.

On motion of Mr. Crawford,

The rules were suspended, the bill read a second and third times and passed.

Ordered, That the secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Haymond their member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House has passed engrossed bills thereof, entitled,

No. 296—An act for the relief of James Hatfield;

No. 349—An act dissolving the matrimonial connection between Andrew Martin and Elizabeth Martin his wife;

In which the concurrence of the Senate is respectfully requested.

No. 296—was read a 1st time;

On motion of Mr. Brady the rules were suspended and the bill read a 2d time.

On motion, laid on the table.

No. 349—was read a 1st time.

On motion the rules were suspended, the bill read a 2d time;

On motion of Mr. Kennedy, laid on the table.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives has concurred in the report of the joint committee of free conference appointed to take into consideration the disagreement of the two Houses in relation to the bill of the House,

No. 172—An act to incorporate the Wabash Hotel Company.

The House of Representatives has passed engrossed bills of the Senate, entitled

No. 113—An act to incorporate the Westfield Steam Mill and Manufacturing Company;

No. 188—An act for the relief of Wirts and Reinhard, in the city of Louisville and state of Kentucky;

Each without amendment.

The House of Representatives has also passed an engrossed bill thereof, entitled as follows:

No. 339—An act relating to taverns and tavern keepers in the county of Vermillion; in which the concurrence of the Senate is requested.

No. 339—was read a 1st time.

On motion of Mr. Turman, the rules were suspended, and the bill read a 2d and 3d times and passed.

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the Senate, entitled

No. 349—An act for the formation of the 2d and 3d judicial circuits, and providing for holding courts therein;

No. 86—An act providing for the support of illegitimate children;

No. 109—An act authorizing and regulating arbitrations;

No. 174—An act relating to county seminaries;

And also of the House of Representatives, entitled

No. 101—An act supplementary to an act entitled an act to incorporate the Jeffersonville insurance company;

No. 360—An act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph river;

No. 85—An act to amend an act to regulate the admission and practice of attorneys and counsellors at law; approved Jan. 31, 1834;

No. 81—An act incorporating the town of Martinsville in Morgan county;

No. 267—An act to incorporate the Indiana Manufacturing Company;

- No. 307—An act supplemental to an act to locate a state road from Salem to Charlestown;
- No. 310—A joint resolution for the relief of Burwell R. Still;
- No. 313—A joint resolution for the benefit of the collector of Fountain county for 1837;
- No. 370—An act to change the name of Middletown in Washington county to Claysville;
- No. 255—An act concerning tenents holding over;
- No. 218—An act for opening and repairing public roads and highways in the county of Gibson;
- No. 368—An act regulating the mode of keeping stallions and jacks;
- No. 288—An act to legalize the acts of the trustees of the town of Putnamville in the county of Putnam;
- No. 264—An act to authorize Mary Butler to convey real estate;
- No. 304—An act to legalize the sale of certain school lands in Orange county;
- No. 261—An act to vacate the town of Grand View in the county of Clinton;
- No. 367—An act to legalize the sale of school section sixteen in Porter county;
- No. 216—An act to revive and confirm certain state roads therein named in the counties of White, Pulaski, Marshall, and Carroll, and for other purposes;
- No. 226—An act relative to limited partnerships;
- No. 359—An act for the relief of John Bell;
- No. 353—An act for the relief of the children of James C. Lee;
- No. 342—An act for the relief of the heirs of James H. Wallace;
- No. 18—An act to amend the act for repairing and opening public roads and highways; approved Feb. 10, 1831;
- No. 331—An act to authorize the election of trustees of the county library, of Dubois county;
- No. 364—An act to repeal the 8th, 9th, and 10th sections of an act entitled an act to incorporate the Clay county seminary trustees; approved Feb. 2, 1837;
- No. 108—An act to authorize the erection of a mill dam across the Wabash river;
- No. 278—An act for the suppression of professional gambling;
- No. 328—An act to legalize the conveyance of lot No. 1, in Princeton, Gibson county to the board of trustees of the Gibson county Seminary;
- No. 337—An act to amend an act entitled an act for the relief of David Milburn and others; approved Feb. 4, 1837;
- No. 369—An act for the relief of Edward Lane;
- No. 84—An act to legalize the acts of the recorder of Jackson county;
- No. 113—An act to provide for the improvement of the navigation of the Big St. Joseph river;
- No. 186—An act to authorize the seizure of boats and other vessels for debt;

No. 211—An act to incorporate the Crawfordsville and Williamsport Turnpike Company;

No. 356—An act to incorporate the Exchange Hotel Company;

No. 144—An act regulating distress for rent;

No. 254—An act authorizing the appointment of constables and defining their duties;

No. 363—An act to amend an act entitled an act to incorporate the Mount Carmel and New Albany Rail Road Company; approved Feb. 4, 1837;

No. 344—An act fixing the compensation of the commissioners of the Saline lands in Orange county;

No. 131—An act to provide for the improvement of the Wabash river;

No. 165—An act authorizing the action of disseisin;

No. 187—An act in relation to proceedings upon writs of mandamus and informations in the nature of quo warranto;

No. 182—An act to organize the county of Whitley;

No. 266—An act authorizing Arthur McClure to build a bridge across the mouth of the Grand Calumet river;

No. 372—A joint resolution of the General Assembly of the state of Indiana;

No. 373—An act to incorporate the Armiesburgh Bridge Company;

No. 175—An act directing the mode of suing out and proreuting writs of habeas corpus;

And also of the Senate entitled as follows:

No. 43—An act to alter and define the boundary lines of Grant county;

No. 320—An act to change the name of the town of Mauksport, in the county of Harrison, to that of New Market;

No. 334—An act to amend an act entitled an act to incorporate the town of Perrysville, in the county of Vermillion; approved January 29, 1831;

No. 321—A joint resolution on the subject of extending the grant of land for the Wabash and Erie canal;

No. 338—An act to amend an act entitled an act to incorporate the town of Jeffersonville, in the county of Clark;

No. 347—An act to legalize the sale of certain town lots therein named, and for other purposes;

No. 128—An act for the protection of Bridges;

No. 307—An act for the incorporation of public libraries;

No. 335—An act to provide for holding a term of the circuit court in the county of Cass;

No. 346—An act declaring certain county roads therein named, state roads;

No. 348—An act for the formation of the 9th judicial circuit, and fixing the times of holding courts therein;

No. 317—An act to regulate the mode of summoning and empanneling grand and petit jurors;

No. 309—An act for the incorporation of agricultural societies;
 No. 328—An act prescribing the mode of changing the venue in criminal cases;

No. 342—A joint resolution relative to the state printing, for 1838;

No. 175—An act to authorize the loaning of the college funds;

I am instructed to bring them to the Senate for the signature of the President thereof.

The president having signed bills mentioned in the message, they were handed to the committee to be presented to the governor for his approval and signature.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House has passed an engrossed bill thereof, entitled as follows, to wit:

No. 345—a bill giving the State of Illinois the right of way within this State, to connect the northern Cross rail road in Illinois, with the Wabash and Erie canal, at Perrysville, Indiana; in which the concurrence of the Senate is most respectfully requested.

No. 345—of the House, was read a first time.

On motion of Mr. Turman,

The rules were suspended, the bill read a second and third times and passed.

Mr. ———, from a committee of free conference, reports,

MR. PRESIDENT—

The committee of free conference, to which was referred the disagreeing votes between the Senate and House of Representatives, upon an amendment made by the House, to an engrossed bill of the Senate, No. 81, entitled, a bill regulating damages on protested bills of exchange, have had under their consideration the subject referred to them, and have instructed me to report to the Senate, that they have agreed to retain in said bill, the 8th, 9th and 10th lines, which were stricken out by the House and disagreed to by the Senate, and to recommend to the two Houses, that the word "six," in the 8th line, be stricken out and the word "five," inserted in lieu thereof.

The following message was received from the House of Representatives, by Mr. Burns, their member:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, entitled as follows:

No. 168—an act regulating the jurisdiction and duties of justices of the peace;

No. --an act incorporating congressional townships, and providing for public schools therein; each with amendments.

In which the concurrence of the Senate is requested.

The amendments to the bill of the Senate, No. 168, were severally concurred in, excepting the third amendment by the House, in which the Senate disagree, and ordered that Messrs. Thompson of P. and Dunning be a committee of free conference, to meet with a similar one on the part of the House, to take into consideration the disagreement of the two Houses.

On motion of Mr. Brady,

The Senate agrees to concur in the amendment of the House, with an amendment, as follows: to strike out the counties of Madison, Dearborn, Marshall, Stark, Decatur and Crawford.

The amendments to bill 327 were severally concurred in.

Ordered, That the secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The speaker of the House of Representatives having signed an enrolled bill of the Senate, entitled,

No. 188—an act for the relief of Wirts & Reinhard of the city of Louisville, and State of Kentucky.

I am directed to bring it to the Senate, for the signature of the president thereof.

The president having signed the bill mentioned in the message, it was handed the committee to be presented to the governor for his approval and signature.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has instructed me to inform the Senate that the House has concurred in the amendments made by the Senate to the engrossed bills of the House, No. 400, entitled, an act fixing the times of holding courts in the 4th judicial circuit; and

No. 386—entitled, an act to change the lease of a part of the university square, in the town of Indianapolis.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives have concurred in the report of the committee of free conference to which was referred the amendment made by the House to an engrossed bill of the Senate, No. 81, entitled, a bill regulating damages on protested bills of exchange.

Mr. Mount from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills and joint resolutions of the House,

No. 373—An act to incorporate the Armiesburgh bridge company;

No. 372—A joint resolution of the General Assembly of the State of Indiana;

No. 328—An act to legalize the conveyance of lot No. 1, in Princeton, Gibson county, to the board of trustees of the Gibson county seminary;

No. 363—An act to amend an act entitled an act to incorporate the Mount Carmel and New Albany rail road company, approved Feb. 4, 1837;

No. 182—An act to organize the county of Whitley;

No. 344—An act fixing the compensation of the commissioner of the saline lands in Orange county;

No. 175—An act directing the mode of suing out and prosecuting writs of habeas corpus;

No. 113—An act to provide for the improvement of the navigation of the Big St. Joseph river;

No. 386—An act to authorize the seizure of boats and other vessels for debt;

No. 84—An act to legalize the acts of recorder of Jackson county;

No. 211—An act to incorporate the Crawfordsville and Williamsport turnpike company;

No. 165—An act authorizing the action of disseisin;

No. 187—An act in relation to proceedings upon writs of mandamus and informations on the nature of quo warranto;

No. 131—An act to provide for the improvement of the Wabash river;

No. 266—An act authorizing Arthur McClure to build a bridge across the Grand Calumet river;

No. 254—An act authorizing the appointment of constables and defining their duties;

No. 144—An act regulating distress for rent;

No. 356—An act to incorporate the Exchange hotel company;

No. 238—An act to amend an act entitled an act to incorporate the town of Jeffersonville in the county of Clarke;

And find the same truly enrolled.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives has concurred in the report of the joint committee of free conference of the Senate and House of Representatives in relation to the disagreement of the two houses on the bill of the House of Representatives, entitled,

No. 89—An act organizing Jasper county.

Mr. Puett from a select committee reports:

Mr. PRESIDENT—

The committee of ways and means to whom was referred a resolution, inquiring into the expediency of providing by law to furnish a blank number of the laws of the present session, to the several counties of this state, &c., have had the same under consideration and have directed me to report that it is inexpedient at this time to legislate on that subject, and ask to be discharged from the further consideration thereof.

The committee were discharged.

Mr. Puett from a select committee again reports:

Mr. PRESIDENT—

The committee of ways and means to whom was referred a resolution, instructing them to inquire into the expediency as to what amendments are necessary to be made to an act entitled an act to provide for an equitable mode of levying the tax of this state so as to provide by law some better or more certain mode of compelling pedlars of merchandise to pay tax, have according to order had that subject under consideration and have directed me to report that it is inexpedient at this time to legislate on that subject and ask to be discharged from the further consideration thereof.

On motion of Mr. Clark,

No. 330, a bill relative to the construction of a lock in the pool dam near Delphi, was taken up and read a 2d time.

Mr. Ewing moved to lay it on the table;

Which was not agreed to.

Mr. Ewing moved to refer it to a select committee.

Mr. Clark moved the previous question; which was not sustained.

On the question, shall the bill be referred to a select committee?

The ayes and noes were ordered;

Those who voted in the affirmative were,

Messrs. Baird, Bell, Casey, Cathcart, Cole, Crawford, Daily, Dobson, Ewing, Finch, Green, Hoagland, Morgan of D., Morgan of R., Smith, Stewart, Turman, Trask, Tuley, Walker and Watts of D.—21.

Those who voted in the negative were,

Messrs. Beard, Bowen, Bradbury, Brady, Chambers, Clark, Colerick, Dunn, Dunning, Elliott, Kennedy, Little, Mitchell, Mount, Sigler, Stanford, Thompson of J., Thompson of L., Watt of U. and Vawter—20.

So it was not so referred.

Mr. Finch moved to lay the bill on the table;

Which was not agreed to.

Mr. Ewing moved to amend by adding an additional section.

Mr. Kennedy moved the previous question; which was sustained.

On the question, shall the main question be now put?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Brady, Chambers, Clark, Cole, Colerick, Dunn, Dunning, Elliott, Hackett, Kennedy, Little, Mitchell, Moore, Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., Tuley, Watt of U. and Vawter—26.

Those who voted in the negative were,

Messrs. Casey, Cathcart, Cole, Crawford, Daily, Dobson, Ewing, Finch, Green, Morgan of D., Morgan of R., Smith, Stewart, Turman, Thompson of P., Trask, Walker and Watts of D.—18.

Mr. Ewing moved the Senate adjourn; which was not agreed to.

Ayes,	21
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Noes,	24
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Mr. Cathcart moved that the Senate adjourn; which was negatived.

Ayes,	21
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Noes,	24
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Mr. Finch moved that the Senate adjourn;

Ayes,	28
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Noes,	16
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So the Senate adjourned.

Half past 6 o'clock P. M.

Senate Assembled.

On motion, Mr. Finch took the chair.

On motion, the Senate adjourned.

SATURDAY MORNING, FEB. 17, 1838.

Senate assembled.

No. 330—a bill in relation to the construction of a lock in the pool dam, near Delphi, pending last evening, was taken up.

The question was, shall the bill be engrossed for a third reading?

On motion of Mr. Dunn,

The vote given last evening, on the previous question, was re-considered.

On motion, the bill was laid on the table.

Mr. Morgan of D., from a select committee, reports,

Mr. PRESIDENT—

The select committee to whom was referred, No. 319, a bill for the further improvement of the Michigan road, have had the same under consideration, and have directed me to report it back with one amendment, in which they ask the concurrence of the Senate.

On motion, the report and bill were laid on the table.

Leave being granted, Mr. Dunning introduced,

No. 170—a joint resolution relative to the Jeffersonville and Crawfordsville McAdamized turnpike road; read a first time.

On motion of Mr. Brady,

Read a second and third time and passed.

Mr. Daily, from a select committee, reports,

Mr. PRESIDENT—

The select committee to whom was referred an engrossed bill of the House of Representatives, No. 125, to incorporate the Jeffersonville savings institution, have according to order, had the same under consideration, and have made one amendment thereto, in which I am instructed to report to the Senate, and ask their concurrence therein.

The amendment was concurred in.

On motion, the rules were suspended, the bill read a third time and passed.

Leave being granted, Mr. Morgan of D. took from the table,

No. 199—a bill to legalize the election of trustees of the Presbyterian church of Sand creek, Decatur county,—of the House and referred to the judiciary committee.

Mr. Thompson of L., from the judiciary committee, reports,

Mr. PRESIDENT—

That the judiciary committee to which was referred bill, No. 199, just referred, have directed me to report the same back without

amendment, and ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion, the rules were suspended, and the bill read a third time and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am directed by the House of Representatives, to inform the Senate that they have passed engrossed bill thereof, No. 78, an act to empower John Walker to drain off the waters of the lakes near Laporte, in Laporte county, and for other purposes; in which the concurrence of the Senate is respectfully requested.

The bill was read a first time.

On motion, the rules were suspended, and the bill read a second and third times and passed.

Mr. Dunning, from the committee on education, reports,

Mr. PRESIDENT—

The committee on education, to whom was referred a communication from the treasurer of State, containing an abstract of the returns of school commissioners of the amount of tax on lands of non-residents and others, as returned for non-payment, by the collectors of their proper county, have had the same under consideration, and from the importance of the subject, and the late period of time at which said report was made, have instructed me to report the same back to the Senate, and recommend that it be laid upon the table until the first Monday in December next, to be taken up and acted upon; and the committee ask to be discharged from any further consideration thereof. The committee were discharged.

Mr. Vawter, from the committee on State Bank, reports,

Mr. PRESIDENT—

The committee on the State Bank, to which was referred, a bill of the Senate, No. 311, entitled, an act providing means by additional State Bank stock, for liquidating interest on internal improvement loans of the State, together with the amendments of the House of Representatives, have, according to order had said bill and amendments under consideration, and the committee have directed me to report said bill and amendments back to the Senate, and recommend that the Senate concur in the amendments of the House; which amendments are herewith submitted.

The amendments of the committee were concurred in.

Mr. Clark moved that the Senate disagree in the first amendment of the House.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bowen, Bradbury, Brady, Clark, Cole, Crawford, Colerick, Dobson, Dunn, Dunning, Elliott, Ewing, Finch, Mitchell, Morgan of D., Morgan of R., Mount, Stafford, Stanford, Thompson of J., Thompson of L., Tuley, Watt of U. and Vawter—26.

Those who voted in the negative were,

Messrs. Bell, Casey, Cathcart, Daily, Green, Hacket, Hoagland, Kennedy, Moffitt, Moore, Puett, Smith, Stewart, Thompson of P., Trask and Watts of D.—16.

So the Senate disagrees.

Ordered, That the secretary inform the House thereof.

The following message was received from the House of Representatives, by Mr. Stapp, their member:

MR. PRESIDENT--

I am instructed by the House of Representatives to inform the Senate that they have passed an act of the Senate, No. 187, for the protection of the canals belonging to the State, the collection of tolls thereon, and for other purpose, with amendments, to which the concurrence of the Senate is requested.

The amendments were all severally concurred in, except the 4th amendment.

On motion of Mr. Mitchell,

The fourth amendment was concurred in with an amendment, "that the board of public works be authorized to purchase the same for the Jeffersonville rail road, paying expenses out of the funds applicable to the road."

Mr. Morgan of D., from a select committee, reports,

MR. PRESIDENT—

The select committee to whom was referred the joint resolution on the subject of the Lawrenceburgh and Indianapolis rail road company, have had the same under consideration and have directed me to report that in the opinion of said committee legislation on that subject is unnecessary at this time, and recommend the indefinite postponement of said resolution and ask to be discharged from the further consideration thereof.

On the question, will the Senate concur in the report?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Casey, Cole, Daily, Dobson, Dunning, Ewing, Finch,

Green, Hackett, Hoagland, Mitchell, Morgan of D., Morgan of R., Smith, Stafford, Stewart, Turman, Thompson of P., Trask, Tuley and Walker—21.

Those who voted in the negative were,

Messrs. Bowen, Bradbury, Brady, Chambers Clark, Colerick, Dunn, Elliott, Kennedy, Moffitt, Mount, Puett, Stanford, Thompson of J., Thompson of L., Watts of D., Watt of U. and Vawter—18.

So the Senate concurred in the report.

Leave being granted, Mr. Vawter offered the following resolution:

Resolved, That the Secretary of State have two hundred copies of all reports made by order of the Senate, or made by any committee thereof, (not directed to be printed in the journal of the Senate) to be printed in a separate volume, one copy of which to be forwarded with the laws and journals to each member of this General Assembly, and deposit the remainder in the state library;

Which was agreed to.

On motion of Mr. Thompson of L., the blank was filled with 200.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill of the House,

No. 399, to establish certain state roads therein named and for other purposes;

In which the concurrence of the Senate is respectfully requested.

Read a first time; on motion of Mr. Dunn, the rules were suspended and the bill read a 2d time.

On motion of Mr. Thompson of J., amended by adding an additional section.

On motion of Mr. Beard, committed to a committee of the whole and made the special order of the day for 2 o'clock.

On motion of Mr. Vawter, a bill for the relief of John Hatfield was taken from the table;

Mr. Vawter moved an amendment; which was adopted.

Mr. Vawter moved to suspend the rules, and consider the bill engrossed for a 3d reading;

On the question, shall the rules be suspended?

The Senate decided in the affirmative.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bell, Bradbury, Brady, Casey, Colerick, Crawford, Daily, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Kennedy, Morgan of R., Puett, Sigler, Stewart, Turman, Watt of U. and Vawter—22.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Clark, Cole, Dobson, Dunn, Little, Mitchell, Moffitt, Morgan of D., Mount, Smith, Stafford, Stanford, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Walker and Watts of D.—22.

The question then recurring on the engrossment of the bill;
The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bell, Bradbury, Casey, Brady, Cathcart, Cole, Colerick, Crawford, Daily, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Morgan of R., Puett, Sigler, Stewart, Turman, Walker and Vawter—23.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Dobson, Dunn, Kennedy, Little, Mitchell, Moffitt, Morgan of D., Mount, Smith, Stafford, Stanford, Thompson of J., Thompson of L., Thompson of P., Trask, Tuley, Watts of D. and Watt of U.—21.

So said bill was ordered to be engrossed for a 3d reading.

Leave being granted, Mr. Dunning introduced,

No. 371, a bill to appropriate the funds arising from the sale of certain lands named in an act entitled an act to provide for the sale of certain lands therein named, approved Feb. 2d, 1833, to the purposes of education; read a 1st time.

On motion of Mr. Mitchell, the rules were suspended and read a 2d and 3d times.

Mr. Dunn moved to lay the bill on the table; which was agreed to.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The Speaker of the House having signed enrolled bills of the House of Representatives entitled as follows:

No. 352—An act to incorporate the town of Greensboro;

No. 134—An act to incorporate the town of Indianapolis;

No. 76—An act to amend an act entitled an act for a general system of internal improvement, approved Jan. 27, 1836;

No. 391—An act relative to a certain state road in Clay county;

No. 203—An act to incorporate the Richmond and Brookville canal company;

No. 195—An act to provide for carrying into effect the laws in new counties;

No. 302—An act to change the name of a town;

No. 38—An act concerning public defaulters;

No. 381—An act to incorporate the town of Lebanon in the county of Boone;

No. 395—An act to re-locate a part of the Bloomington and Rockport state road, and establish a state road therein named;

No. 402—An act regulating the courts in the 1st and 6th judicial circuits;

No. 146—An act to prevent gaming;

No. 224—An act concerning vagrants;

No. 200—An act to incorporate the City of Logansport;

No. 145—An act regulating the action of replevin.

No. 58—An act to amend an act entitled an act appropriating part of the three per cent. fund in the county of Bartholomew;

No. 236—An act relating to the office of School commissioner in certain counties;

No. 276—An act to incorporate the mayor and common council of the town of Delphi;

No. 348—An act specifically appropriating the 3 per cent. fund in Porter county;

An act for the relief of T. T. Shields and others;

No. 96—An act to change the name of the towns of St. Joseph Iron works and Indiana City in St. Joseph county to that of Mishawaka;

No. 188—An act against forcible entry and detainer;

No. 379—An act to change a part of the state road between Charlestown and Jeffersonville;

No. 375—An act to amend an act to incorporate the town of Greensburgh, Decatur county; approved Feb. 4, 1837;

No. 364—An act to authorize Witmore and Toby to erect a dam on the Wabash river at the town of Murray, in Wells county;

No. 240—An act authorizing an additional justice of the peace to Scott and Coal creek townships in Montgomery county;

No. 9—An act to legalize the election of Seminary trustees in Hancock county;

No. 389—An act legalizing the sale of school lands in Parke county;

No. 228—An act defining and regulating privileges;

No. 167—An act concerning enclosures and trespassing animals;

No. 295—An act to incorporate the Calumet Bridge Company;

No. 378—A joint resolution on the subject of the revision of the laws;

No. 392—A memorial and joint resolution on the subject of a canal from St. Marys, Ohio, to Fort Wayne, Indiana.

I am instructed to bring them to the Senate for the signature of their president.

The president having signed the bills mentioned in the message, they were handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House has concurred in the amendments of the Senate made to the joint resolution of the House,

No. 293—A joint resolution relative to the purchase of maps.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives have concurred in the amendment of the Senate to the bill of the House, entitled, No. 125, an act to incorporate the Jeffersonville Savings Institution.

Mr. Ewing from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills did this day present to the Governor for his approval and signature, the following bills which originated in the Senate, to-wit:

No. 320—An act to change the name of Mauksport in the county of Harrison to that of New Market;

No. 317—An act to regulate the mode of summoning and impaneling grand and petit jurors;

No. 307—An act for the incorporation of public libraries;

No. 347—An act to legalize the sale of certain town lots therein named, and for other purposes;

No. 175—An act to authorize the loaning of the college funds;

No. 370—An act to change the name of Middletown, in Washington county to Claysville;

No. 81—An act to incorporate the town of Martinsville in Morgan county;

No. 313—A joint resolution for the benefit of the collector of Fountain county, for the year 1837;

No. 310—A joint resolution for the benefit of Burwell R. Still.

No. 113—An act to provide for the improvement of the navigation of the Big St. Joseph river;

No. 84—An act to legalize the acts of the recorder of Jackson county;

No. 211—An act to incorporate the Crawfordsville and Williamsport Turnpike Company;

No. 226—An act relative to limited partnerships;

No. 307—An act supplemental to an act to locate a state road from Salem to Charlestown;

No. 304—An act to legalize the sale of certain school lands in Orange county;

No. 267—An act to incorporate the Indiana Manufacturing Company;

No. 216—An act to revive and confirm certain state roads the reinamed in the counties of Pulaski, Marshall, White, and Carroll, and for other purposes;

No. 359—An act for the relief of John Bell;

No. 364—An act to repeal the 8th, 9th and 10th sections of an act entitled an act to incorporate the Clay county seminary trustees; approved Feb. 2d, 1837;

No. 344—An act fixing the compensation of the commissioners of the Saline lands in Orange county;

No. 363—An act to amend an act entitled an act to incorporate the Mount Carmel and New Albany Rail Road Company; approved Feb. 4th, 1837;

No. 254—An act authorizing the appointment of constables and defining their duties;

No. 85—An act to amend an act entitled an act regulating the admission and practice of attorneys and counsellors at law; approved January 31, 1834;

No. 266—An act authorizing Arthur McCluer to build a bridge across the Grand Calumet river;

No. 101—An act supplemental to an act entitled an act to incorporate the Jeffersonville Insurance Company;

No. 278—An act for the suppression of professional gambling;

No. 108—An act to authorize the erection of a mill dam across the Wabash river;

No. 238—An act to amend an act to incorporate the town of Jeffersonville, in the county of Clark;

No. 131—An act to provide for the improvement of the Wabash river;

Fo. 86—An act providing for the support of illegitimate children;

Also the following joint resolutions:

No. 327, a joint resolution of the General Assembly of the State of Indiana;

No. 342, a joint resolution relative to the state printing for 1838;

No. 321, a joint resolution on the subject of extending the grant of land for the Wabash and Erie canal;

Also the following bills and joint resolutions which originated in the House of Representatives, to-wit:

No. 186, an act to authorize the seizure of boats and other vessels for debt;

No. 356, an act to incorporate the Exchange Hotel Company;

Mr. Mount from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills and joint resolutions of the House, and find the same truly enrolled, to-wit:

No. 145, an act regulating the action of replevin;

- No. 379, an act to change a part of the state road between Charles-town and Jeffersonville;
- No. 361, an act to authorize Wetmore and Toby to erect a dam on the Wabash river at the town of Murray in Wells county;
- No. 392, a memorial and joint resolution on the subject of a canal from St. Marys, Ohio, to Fort Wayne, Indiana;
- No. 382, an act concerning public defaulters;
- No. 195, an act to provide for carrying into effect the laws in new counties;
- No. 383, an act for the relief of J. T. Shields and others;
- No. 391, an act relative to a certain state road in Clay county;
- No. 395, an act to re-locate a part of the Bloomington and Rockport state road and to establish a state road therein named;
- No. 224, an act concerning vagrants;
- No. 96, an act to change the name of the towns of St. Joseph iron works and Indiana City in St. Joseph county to that of Mishawaka;
- No. 378, a joint resolution on the subject of the revision of the laws;
- No. 167, an act concerning enclosures and trespassing animals;
- No. 240, an act authorizing an additional justice of the peace to Scott and Cole creek townships in Montgomery county;
- No. 228, an act defining and regulating privileges;
- No. 58, an act to amend an act entitled an act to appropriate part of the 3 per cent. fund in the county of Bartholomew, approved Feb. 3, 1837;
- No. 348, an act specifically appropriating the 3 per cent. fund in Porter county;
- No. 236, an act relating to the office of school commissioner in certain counties;
- No. 389, an act regulating the sale of school lands in Parke county;
- No. 352, an act to incorporate the town of Greensboro;
- No. 188, an act against forcible entry and detainer;
- No. 381, an act to incorporate the town of Lebanon in the county of Boone;
- No. 76, an act to amend an act for a general system of internal improvement, approved Jan. 27, 1836;
- No. 146, an act to prevent gaming;
- No. 402, an act regulating the courts in the first and sixth judicial circuits;
- No. 134, an act to incorporate the town of Indianapolis in Marion county;
- No. 295, an act to incorporate the Calumet bridge company;
- No. 375, an act to amend an act entitled an act to incorporate the town of Greensburgh in Decatur county;
- No. 200, an act to incorporate the City of Logansport;
- No. 302, an act to change the name of a town;
- No. 276 an act to incorporate the mayor and common council of the town of Delphi;
- No. 203, an act to incorporate the Richmond and Brookville canal company.

The following message was received from the House of Representatives, by Mr. Judah, their member:

Mr. PRESIDENT—

I am directed to inform the Senate that the House of Representatives has passed an engrossed bill of the Senate,

No. 66, entitled an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the U. S. as the State of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23, 1830, without amendment.

Mr. Ewing from the joint committee on enrolled bills again reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to his excellency the Governor for his approval and signature, bills of the following titles, to-wit:

No. 264, an act to authorize Mary Butler to convey certain real estate,

No. 346, an act declaring certain roads therein named state roads;

No. 360, an act to authorize R. J. Dawson and J. Spencer to erect a mill dam across the St. Joseph river;

No. 368, an act regulating the mode of keeping stallions and jacks;

No. 182, an act to organize the county of Whitley,

No. 367, an act to legalize the sale of school section sixteen in Portor county,

No. 331, an act to authorize the election of trustees of the county library of Dubois county,

No. 335, an act to provide for holding a term of the circuit court in the county of Cass,

No. 175, an act directing the mode of suing out and prosecuting writs of habeas corpus,

No. 128, an act for the protection of bridges,

No. 109, authorizing and regulating arbitrations,

No. 369, an act for the relief of Edward Lane,

No. 373—An act to incorporate the Armiesburg Bridge Company,

No. 255—An act concerning tenants holding over,

No. 328—An act to legalize the conveyance of lot No. 1, in Princeton, Gibson county, to the Board of Gibson county Seminary,

No. 337—An act to amend an act entitled an act for the relief of David Milburn and others, approved February 1, 1837,

No. 349—An act for the formation of the 2d and 3d judicial circuits, and providing for holding courts therein,

No. 261—An act to vacate the town of Grandview in the county of Clinton,

No. 174—An act relating to county Seminaries,

No. 353—An act for the relief of the children of James C. Lee,

No. 144—An act regulating distress for rent,

No. 43—An act to alter and define the boundary lines of Grant county,

No. 342—An act for the relief of the heirs of James H. Wallace,

No. 18—An act to amend the act for repairing and opening public roads and highways, approved February 10, 1831,

No. 342—An act for opening and repairing public roads and highways in the county of Gibson,

No. 188—An act for the relief of Wirts & Reinhard of the city of Louisville, State of Kentucky.

Mr. Stanford from the joint committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the Senate,

No. 88—An act regulating marriages,

No. 81—An act regulating damages on protested bills of exchange,

No. 308—An act for the incorporation of county libraries,

No. 326—An act to authorize writs of Ne Exeat,

No. 113—An act to incorporate the Westfield Steam-mill and Manufacturing Company,

No. 332—An act to incorporate the Lawrenceport Bridge Company, and find them truly enrolled.

Mr. Mount, from the joint committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the following titles, to-wit:

An act organizing the supreme court and defining its powers and duties,

An act for the inspection of salt, beef, flour, pork, and tobacco,

An act to regulate general elections,

An act for giving mechanics a lien upon buildings,

An act to provide for electing county and township officers,

An act concerning debtors and their securities,

An act defining the duties of Recorders,

An act to regulate trials of the right of property,

An act concerning the State Library,

An act subjecting certain articles to sale for repairs after a certain period.

All of which they find truly enrolled.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives has concurred in the amendment of the Senate to the amendment of the House of Representatives to the engrossed bill of the Senate.

No. 168—An act regulating the jurisdiction and duties of justices of the peace, and insists on its third amendment to said bill, and

Messrs. Crume and Chamberlain, are appointed a committee of free conference, on the part of the House of Representatives to act with a similar one on the part of the Senate, in relation to the disagreement of the two Houses.

The House of Representatives refused to concur in the amendment of the Senate to the 4th amendment of the House to the engrossed bill of the Senate,

No. 187, an act for the protection of the canals belonging to the State, the collection of tolls therein, and for other purposes.

On motion, the Senate receded from their amendment to the amendment of the House to the bill of the Senate, No. 187, mentioned in the message.

The following message was received from the House of Representatives by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives insist on the amendment of the House to the bill of the Senate No. 311, entitled a bill providing means by additional State Bank Stock, for liquidating interest on the internal improvement loans of the State, by striking out of the 3d and 4th lines, these words; "each year for six years successively."

The House of Representatives to concur in the amendments of the Senate, numbered 1st, 2d, 4th, 5th, and 6th, to the amendments of the House to the same bill.

And the House of Representatives have appointed Messrs. Proffitt and Judah, a committee of free conference on the part of the House to act with a similar committee on the part of the Senate, to take into consideration the disagreement of the two Houses, and the House has concurred in the 3d amendment of the Senate to the amendments of the House to the same bill.

On motion of Mr. Thompson of L. the message from the House was laid on the table.

Leave being granted, Mr. Finch introduced

No. 372, a joint resolution on the subject of the public lands; read a 1st time.

On motion of Mr. Colerick, the rules were suspended and the bill read a 2d time.

On motion, laid on the table.

Leave being granted, Mr. Elliott from the committee of ways and means reports:

MR. PRESIDENT—

The committee of ways and means to whom was referred the report of the treasurer of state on the subject of the State House, and grading &c., report that that matter is provided for in the specific appropriation bill.

Your committee ask to be discharged from the further consideration thereof.

The committee were discharged.

On motion, the report was laid on the table.

Mr. Mount moved to take up bill No. 362, relative to permitting the state of Ohio right of way for the Cincinnati and Whitewater canal;

Which was not agreed to.

On motion of Mr. Sigler, No. 159, a bill for the relief of James Talbot was taken up.

On motion of Mr. Dunning, laid on the table.

On motion of Mr. Colerick,

No. 372, a joint resolution on the subject of the public lands was taken up.

Mr. Clark moved to amend by adding further that our Senators in Congress be instructed and our Representatives requested to vote against the bill now pending in Congress called the sub-treasury bill and in favor of Mr. Rives' proposition on the subject.

Mr. Thompson of P. moved to lay it on the table.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Brady, Cathcart, Crawford, Daily, Dobson, Dunning, Ewing, Green, Hackett, Little, Moore, Smith, Stewart, Turman, Thompson of P., Tuley, Walker, Watts of D. and Watt of U.—19.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Clark, Cole, Colerick, Dunn, Elliott, Finch, Hoagland, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Stanford, Thompson of J., Thompson of L., and Vawter—22.

So the resolution was not laid on the table.

On motion, Senate adjourned.

Half past 1 o'clock, P. M.

Senate assembled,

The President of the Senate resumed his seat.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate, entitled an act relative to county boundaries.

No. 61, an act to authorize the relocating of a state road in Gibson county;

No. 38, an act for establishing a state road from landing ferry to intersect the Patriot and Versailles road;

No. 52, an act to regulate the summoning of jurors in the 6th judicial circuit;

The House of Representatives has concurred in the amendments of the Senate to the engrossed bills of the House entitled as follows:

No. 397, an act for the relief of Willis G. Atherton and others;

No. 340, an act to amend an act entitled an act to provide for a general system of internal improvement; approved Jan. 27, 1836;

No. 55, an act declaring Sugar creek in Parke county, a public highway.

The House of Representatives has concurred in the 1st and 2d amendments of the Senate to the engrossed bills of the House;

No. 318, an act making specific appropriations for the year 1838, with amendments, in which the concurrence of the Senate is requested; and has refused to concur in the 4th amendment of the Senate to said bill, and has concurred in the 3d, 5th and 6th amendments thereto.

The House of Representatives refuse to concur in the amendment of the Senate to the engrossed bill of the House,

No. 317, an act making general appropriations for the year 1838;

No. 318, mentioned in the message.

The 1st amendment of the House was concurred in.

On motion of Mr. Dunning, the Senate disagrees to the 2d amendment.

On motion of Mr. Clark the Senate insist upon the 4th amendment.

No. 317, of the House, mentioned in the message; the House refusing to concur in the amendment of the Senate.

On motion of Mr. Colerick the Senate insists upon their amendment.

Ordered, that the secretary inform the House of Representatives thereof.

On motion of Mr. Crawford, No. 399, a bill to establish certain state roads therein named, and for other purposes, was taken up and the Senate resolved itself into a committee of the whole on its further consideration. Mr. Mitchell called to the chair.

After some time spent therein, the committee rose and the chairman reported the same back with several amendments, in which the concurrence of the Senate is requested.

The Senate concurred generally.

On motion, the rules were suspended and the bill considered as engrossed, read a 3d time and passed.

On motion of Mr. Mount, No. 362, a bill to permit and authorize the State of Ohio to construct a part of the Cincinnati and Whitewater canal within the territory of Indiana; read a 2d time.

On motion, the rules were suspended, the bill read a 3d time and passed.

Mr. Sigler moved to take up No. 159, a bill for the relief of James Talbot; which was not agreed.

Mr. Morgan of R. moved to take up No. 118, a bill to divorce John Duval and Nancy Duval; which was agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Beard, Bell, Bradbury, Brady, Casey, Cole, Colerick, Daily, Dunning, Elliott, Ewing, Finch, Green, Hackett, Hoagland, Moore, Morgan of R. Sigler, Smith, Turman, Walker, Watt of U. and Vawter—24.

Those who voted in the negative were,

Messrs. Bowen, Clark, Dobson, Dunn, Kennedy, Little, Mitchell, Moffitt, Morgan of D., Mount, Puett, Stafford, Stanford, Thompson of J., Trask, Tuley, and Watts of D.—17.

On motion, the rules were suspended, the bill read a 3d time.

On the question shall the bill pass?

The ayes and noes were ordered,

Those who voted in the affirmative were,

Messrs. Bell, Bradbury, Brady, Cole, Crawford, Casey, Daily, Dunning, Elliott, Ewing, Finch, Green, Hoagland, Moore, Morgan of R., Puett, Sigler, Turman, Walker, and Watts of D.,—20.

Those who voted in the negative were,

Messrs. Baird, Bowen, Cathcart, Clark, Dobson, Dunn, Hackett, Kennedy, Little, Mitchell, Moffitt, Morgan of D., Mount, Smith, Stafford, Stanford, Thompson of J., Thompson of P., Trask, and Watts of D—20.

So said bill did not pass.

On motion of Mr. Morgan of D., No. 319, a bill to provide for the further improvement of the Michigan Road north of Napoleon, with amendments as reported by the select committee, was taken up;

The ayes and noes being ordered.

Those who voted in the affirmative were,

Messrs. Baird, Brady, Casey, Cathcart, Cole, Colerick, Daily, Dobson, Ewing, Finch, Green, Hackett, Little, Morgan of D., Morgan of R., Mount, Sigler, Smith, Stafford, Trask, Walker, Watts of D. and Vawter—23.

Those who voted in the negative were,

Messrs. Beard, Bowen, Bradbury, Clark, Dunn, Elliott, Hoagland, Kennedy, Mitchell, Moffitt, Moore, Puett, Stanford, Thompson of L., Tuley and Watt of U.—16.

So the bill and amendments were taken up.

Mr. Morgan of R. moved that the Senate concur in the amendments;
Which was not agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Bowen, Brady, Casey, Cathcart, Daily, Ewing, Finch, Morgan of D., Morgan of R., Mount, Sigler, Smith, Turman, Thompson of L., Tuley and Walker—16.

Those who voted in the negative were,

Messrs. Baird, Beard, Bradbury, Clark, Cole, Colerick, Dobson, Dunn, Elliott, Green, Hackett, Hoagland, Kennedy, Little, Mitchell, Moffitt, Moore, Puett, Stafford, Stanford, Thompson of J., Trask, Watts of D., Watt of U. and Vawter—25.

Mr. Kennedy moved to indefinitely postpone the bill and amendments;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard, Bowen, Bradbury, Clark, Dunn, Dunning, Elliott, Hoagland, Kennedy, Little, Mitchell, Moffitt, Mount, Puett, Sigler, Stafford, Stanford, Turman, Thompson of J.,^a Thompson of L., Thompson of P., Tuley, Watts of D., Watt of U. and Vawter—25.

Those who voted in the negative were,

Messrs. Baird, Brady, Cathcart, Cole, Colerick, Dobson, Ewing, Finch, Green, Hackett, Moore, Morgan of D., Morgan of R., Smith, Trask, and Walker—16.

So said bill was indefinitely postponed.

Mr. Mitchell moved to re-consider the vote just given;
Which was not agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Baird, Brady, Cathcart, Cole, Colerick, Ewing, Finch, Green, Hackett, Mitchell, Morgan of D., Morgan of R., Mount, Smith, Trask and Walker—16.

Those who voted in the negative were,

Messrs. Beard, Bowen, Bradbury, Clark, Dobson, Dunn, Dunning, Elliott, Hoagland, Kennedy, Little, Moffitt, Moore, Puett, Sigler, Stafford, Stanford, Turman, Thompson of J., Thompson of L., Tuley, Watts of D., Watt of U. and Vawter—24.

Mr. Dunning from a committee of free conference reports:

MR. PRESIDENT—

The committee of free conference appointed to take into consideration the disagreeing votes of the two houses on the 3d amendment of the House to the bill of the Senate, No. 168, entitled an act regulating the jurisdiction and duties of justices of the peace, have had that matter under consideration and have agreed that the amendment of the House shall be inserted and constitute a part of the bill, which is in the following words: "or where he may be found," which are to be added to the end of the 24th section.

The following message was received from the House of Representatives, by Mr. Henley their member:

MR. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House disagrees to the amendment of the Senate to a bill of the House,

No. 135, entitled an act regulating descents, distribution and dower.

Mr. Kennedy moved that the Senate recede from its amendment.

Which was not agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Brady, Cathcart, Dobson, Elliott, Ewing, Finch, Green, Hoagland, Kennedy, Little, Turman, Thompson of L., and Tuley—13.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Clark Cole, Colerick, Dunn, Dunning, Hackett, Mitchell, Moffitt, Moore, Morgan of D., Morgan of R., Mount, Puett, Sigler, Stafford, Stanford, Thompson of J., Thompson of P., Trask, Walker, Watts of D., Watt of U. and Vawter—28.

So the Senate did not agree to recede.

On motion, the Senate insists upon their amendment.

Ordered, That Messrs. Mitchell and Mount be a committee of free conference on the part of the Senate, to meet with a similar commit-

tee from the House, to take into consideration the difference of the two Houses.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate, that the House has passed an engrossed bill thereof, entitled, No. 270, a bill to regulate the mode of doing county business in the several counties in this state;

And respectfully request the concurrence of the Senate therein.

The bill here mentioned, was read a 1st time;

On motion, the rules were suspended and the bill read a 2d time.

Mr. Morgan of D. moved an amendment; which was adopted.

On motion, the rules were further suspended, the bill read a 3d time and passed.

On motion of Mr. Cathcart, a bill establishing a cursetor in Michigan City and defining his powers and duties, was taken up;

On motion of Mr. Cathcart, the rules were suspended, the bill read a 3d time and passed.

No. 372, a joint resolution on the subject of the public lands, with an amendment pending last adjournment, was again taken up.

The question was, shall the amendment be adopted?

Mr. Kennedy moved to indefinitely postpone;

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Cathcart, Daily, Ewing, Green, Hackett, Kennedy, Little, Moffitt, Puett, Smith, Turman, Trask, Tuley and Watt of U.—14.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Brady, Clark, Cole, Colerick, Dobson, Dunn, Dunning, Elliott, Finch, Hoagland, Mitchell, Moore, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Thompson of J., Thompson of L., Walker, Watts of D. and Wawter—24.

So it was not indefinitely postponed.

Mr. Kennedy then moved to refer it to a select committee;

Which was not agreed to.

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Brady, Cathcart, Daily, Dobson, Ewing, Finch, Green, Hackett, Kennedy, Moore, Puett, Smith, Turman, Trask, Tuley and Watt of U.—16.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Clark, Cole, Colerick, Dunn, Dunning, Elliott, Hoagland, Little, Mitchell, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Thompson of J., Thompson of L., Walker, Watts of D. and Vawter—24.

Mr. Kennedy moved that the joint resolution and amendments to the committee on the State Bank, with instructions to so amend it as to instruct our Senators in Congress to vote for a National Bank.

The ayes and noes being ordered;

Those who voted in the affirmative were,

Messrs. Brady, Cathcart, Daily, Dobson, Ewing, Green, Hackett, Kennedy, Moore, Smith, Turman, Trask, Tuley and Watt of U.—14.

Those who voted in the negative were,

Messrs. Baird, Beard, Bowen, Bradbury, Clark, Cole, Colerick, Dunn, Dunning, Elliott, Hoagland, Little, Mitchell, Moffitt, Morgan of D., Morgan of R., Mount, Sigler, Stafford, Thompson of J., Thompson of L., Walker, Watts of D. and Vawter—24.

So the resolution was not so referred.

Mr. Moore moved further to amend by adding, "that our Senators and members in Congress be instructed to send 500 copies of the sub-treasury bill to each county in the state, and not to vote until they receive instructions from their respective districts, from whence all their instructions should come.

On motion, laid on the table.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House insists on their disagreement to the amendment of the Senate to the engrossed bill of the House, No. 135, entitled, an act regulating descents, distribution and dower. And Messrs. Marshall and Owen are appointed a committee of free conference to act with the committee appointed on the part of the Senate, and take into consideration the disagreement of the two Houses.

Mr. Mitchell, from a committee of free conference, reports:

Mr. PRESIDENT—

The committee of free conference, appointed by the two Houses to take into consideration their disagreement, in regard to the Senate's

amendment to the bill of the House, entitled, an act regulating descents, distribution and dower, have agreed to report the following as the agreed amendment, of the two Houses, the following in lieu of the amendment of the Senate, viz: *Provided*, That any person may by his last will and testament, devise his real property to trustees for the benefit of his grand children, in issue or not in issue.

In which they ask the concurrence of the Senate.

The Senate concurred in the report.

The following message was received from the House of Representatives, by Mr. Graham, their member:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, entitled,

No. 415—a joint resolution in reference to the duties of the secretary of State.

In which the concurrence of the Senate is requested.

The joint resolution was read a first time.

On motion of Mr. Morgan of R.,

The rules were suspended, read a second and third times and passed.

On motion, Senate adjourned.

Half past 1 o'clock P. M.

Senate assembled.

The following message was received from the House of Representatives, by Mr. Burns, their member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the Senate, entitled as follows, to wit:

Bill No. 111, to make a State road through a part of the counties of Warren and Vermillion, with two amendments, in both of which I am instructed respectfully to ask the concurrence of the Senate.

On motion, the Senate concurred in the amendments of the House.

Ordered, That the secretary inform the House thereof.

Message from the House of Representatives, by Mr. Henley, their member:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills and joint resolutions of the Senate, entitled as follows:

No. 360—a joint resolution relative to John G. Burch, of Daviess county;

No. 183—an act to amend an act, entitled, an act to incorporate the Lawrenceburgh bridge company.

No. 62—an act to incorporate the Mishawaka iron and manufacturing company;

No. 33—an act providing for the recording of mortgages for personal property;

No. 100—an act locating a State road from Napoleon to a point near Elihu Gallaway's;

No. 166—an act to locate a State road therein named;

No. 356, an act to change the mode of doing county business, in the county of Scott;

No. 336—an act to provide for the salary of William Polke, late commissioner of the Michigan Road;

No. 119—an act for the formation of Union school district;

No. 367—an act to incorporate the trustees of the Laporte university;

No. 361—an act to provide for the times of holding the circuit courts in the 7th judicial circuit of the State of Indiana;

No. 79—an act to authorize the board doing county business of Tippecanoe county, to make a certain payment therein described;

No. 355—an act for the formation of a special school district in Marion county;

No. 313—an act for the safe keeping of prisoners committed under the authority of the United States into any of the jails of this State, and for other purposes;

No. 135—an act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses and masonic lodges;

No. 147—an act to locate a State road therein named;

No. 150—an act to locate a State road from the Kankakee to Laporte; and

No. 148—an act to locate a State road from Strawtown to Rochester. Each without amendment.

The House of Representatives has also passed engrossed bills thereof, entitled,

No. 410—an act to provide for printing and distributing the laws; and,

No. 411—an act for the relief of persons owning canal lands,

In which the concurrence of the Senate is requested.

No. 410 of the House, was read a first time; on motion, the rules were suspended, read a second and third times, and passed.

No. 411 of the House, was read a first time; on motion, the rules were suspended, and the bill read a second and third times, and passed.

The following message was received from the House, by Mr. Henley, their member:

Mr. PRESIDENT—

The House of Representatives refuse to concur in the amendment of

the Senate to the amendment of the House, to the engrossed bill of the Senate, No. 60—An act to amend an act entitled, “an act to provide for distributing so much of the surplus revenue of the United States, as the state of Indiana may be entitled to, and receive by virtue of an act of Congress, approved 23d June, 1836,” approved Feb. 6, 1837.

On motion of Mr. Clark, the Senate receded from its amendment to the amendment of the House.

Ordered, That the Secretary inform the House thereof.

The following message was received from the House by Mr. Henley, their member :

MR. PRESIDENT—

I am directed to inform the Senate that the House of Representatives has passed an engrossed bill thereof, entitled,

229—“an act to appoint Escheators and defining their duties;” in which the concurrence of the Senate is respectfully requested.

No. 229 of the House, was read a first time;

Mr. Ewing moved that the Senate reject the bill,—which was agreed to.

The following message was received from the House of Representatives by Mr. Judah, their member:

MR. PRESIDENT—

The House of Representatives has concurred in the report of the committee of free conference of the two Houses, in relation to the disagreement of the two Houses on the bill of the House entitled,

No. — An act regulating descents, distribution and dower.

The House has passed an engrossed bill of the Senate,

No. 303—an act to provide for making partial payments on canal and school lands,—without amendment.

Mr. Ewing, from the committee on corporations, reports:

MR. PRESIDENT—

The committee on corporations to whom was referred the bill of the House, No. 320, entitled, an act to incorporate the Logansport insurance company, have had the same before them, and report it back with one amendment.

On motion of Mr. Kennedy, the rules were suspended, read a third time, and passed.

Mr. Sigler moved to take from the table No. 159, “a bill for the relief of James Talbot,” which was not agreed to.

The following message was received from the House by Mr. Henley, a member:

MR. PRESIDENT—

The House of Representatives recedes from their amendment to

the 2d amendment of the Senate to the bill of the House, No. 218, an act making specific appropriations for the year 1838.

The House insists on its disagreement to the amendment of the Senate to the engrossed bill of the House, No. 317—an act making general appropriations for the year 1838.

Messrs. Dowling and Thompson of A., are appointed a committee of free conference, to act with a similar one on the part of the Senate, to take into consideration the disagreement of the two Houses.

The House of Representatives also concur in the amendments of the Senate to the engrossed bill of the House, No. 399, an act concerning state roads.

The House has concurred in the report of the joint committee of the two Houses, in relation to the engrossed bill of the Senate, entitled, No. 168—"an act regulating the jurisdiction and duties of justices of the peace.

On motion of Mr. Puett, the Senate insists upon their amendment to the bill of the House, No. 317.

Ordered, That Messrs. Puett and Vawter be a committee of free conference to meet with a similar committee on the part of the House, to take into consideration the difference of the two Houses.

The following message was received from the House by Mr. Graham, their member:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, entitled, No. 272, an act relative to evidence, in which the concurrence of the Senate is requested.

The bill was read a first time;

On motion of Mr. Brady, the rules were suspended, the bill read a second and third times, and passed.

Ordered, That the secretary inform the House thereof.

On motion of Mr. Clark,

Resolved, That Amariah Morgan be appointed President of the Senate, pro tem.

The following message was received from the House:

MR. PRESIDENT—

The House of Representatives has concurred in the amendment of the Senate to the engrossed bill of the House, entitled, No. 320, an act to incorporate the Logansport Insurance Company.

The Speaker of the House of Representatives having signed enrolled bills of the Senate of the following numbers, to wit:

Nos. 98, 94, 314, 324, 310, 322, 126, 123, 323, 325, 170, 62, 148, 150, 360, of the Senate relative to county boundaries, and of the House, Nos. 411 and 362—I am requested to bring them to the Senate for the signature of the President thereof.

Mr. PRESIDENT—

I am instructed by the House to inform the Senate that the Speaker on the part of the House has signed the following bill and joint resolution which originated in the House of the following title:

An act regulating descent, distribution and dower;

No. 415, a joint resolution in reference to the duties of Secretary of State.

And have directed me to bring the same to the Senate for his signature.

The President having signed enrolled bills of the Senate mentioned in the message, and bill and joint resolution of the House they were handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives refuses to concur in the amendment of the Senate to the engrossed bill of the House of Representatives,

No. 126, an act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana.

The House of Representatives has passed engrossed bill and joint resolution of the Senate,

No. 370, a joint resolution relative to the Jeffersonville and Crawfordsville McAdamized turnpike road;

No. 368, an act supplemental to an act entitled an act authorizing the sale of certain school lands therein named, and for other purposes; approved Jan. 1838; without amendment.

The House of Representatives has passed engrossed bills thereof, entitled as follows:

No. 334, an act directing the treasurer of State to pay certain monies;

No. 413, a joint resolution for the survey of a harbor at Indiana City; In which the concurrence of the Senate is requested.

The House has also passed an engrossed bill of the Senate entitled

No. 364, an act to vacate part of a street on the donation near Indianapolis; without amendment.

On motion, the Senate recedes from their amendment to bill of the House, No. 126;

Ordered, that the secretary inform the House thereof.

No. 334, of the House, mentioned in the message; was read a 1st time.

On motion, the rules were suspended, the bill read a 2d and 3d time.

On the question, shall the bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Brady, Crawford, Daily, Ewing, Finch, Green, Hackett, Kennedy, Trask, Tuley and Vawter—11.

Those who voted in the negative were,

Messrs. Baird, Beard, Bell, Bowen, Bradbury, Clark, Cole, Dobson, Dunn, Dunning, Elliott, Hoagland, Little, Mitchell, Morgan of D., Morgan of R., Mount, Puett, Sigler, Smith, Stafford, Stanford, Turman, Thompson of J., Thompson of P., Walker, Watts of D., and Watt of U.—28.

So the bill did not pass.

No. 413, a joint resolution mentioned in the message, was read a 1st time.

On motion of Mr. Cathcart the rules were suspended, read a 2d and 3d times and passed.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill of the Senate, entitled

No. 350, an act to appropriate a part of the three per cent. fund in Jasper county; without amendment.

Mr. Puett from a committee of free conference reports:

MR. PRESIDENT—

The committee of free conference appointed on the part of the Senate to take into consideration the amendment of the Senate to the bill of the House of Representatives, No. 317, have had the same under consideration, and have directed me to report that said committee have agreed that the Senate recede from its amendment.

On motion, the Senate concurred in the report:

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, entitled

No. 409, an act to locate a state road from Connersville in Fayette county to Chrisler Kinder's; in which the concurrence of the Senate is requested. The bill was read a 1st time.

On motion, the rules of the Senate were suspended, the bill read a 2d and 3d times and passed.

The following message was received from the House of Representatives by Mr. Judah their member:

Mr. PRESIDENT—

The House of Representatives has passed an engrossed bill thereof, entitled

No. 416, an act supplemental to an act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana; in which the concurrence of the Senate is requested;

The bill was read a 1st time.

On motion, the rules were suspended and read a 2d time.

On motion of Mr. Clark, laid on the table.

The following Message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The House of Representatives has passed engrossed bills of the Senate entitled as follows:

No. 301, an act to provide for the election of a justice of the peace in the town of Middletown in Shelby county;

No. 300, an act attaching Canal Port to the town of Petersburg, Pike county, for corporation purposes;

No. 115, an act to authorize Elijah Long and his wife to sell certain real estate therein named;

No. 190, an act to authorize the election of a justice of the peace in the town of Yorktown; each without amendment.

The following message was received from the House of Representatives by Mr. Ferguson a member:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives, entitled,

No. 330—An act to incorporate the Peru and Rochester turnpike company,

No. 172—An act to incorporate the Wabash hotel company,

No. 90—An act to incorporate the Knightstown canal manufacturing company,

No. 241—An act to provide for taking depositions in certain cases therein,

No. 298—An act authorizing the sale of certain land in Dubois county,

No. 355—An act to incorporate the town of Laporte in Laporte county,

No. 284—An act to incorporate the St. Joseph bridge company,

No. 136—An act regulating divorces,

Also bills of the Senate of the following titles:

No. 113—An act to incorporate the Westfield steam mill and manufacturing company,

No. 332—An act to incorporate the Lawrenceport bridge company

No. 308—An act for the incorporation of county libraries,

No. 326—An act to authorize writs of ne exeat,

No. 81—An act regulating damages on protested bills of exchange,

No. 88—An act to regulate marriages,

Also bills of the House of the following titles:

No. 289—An act to incorporate the Nassau manufacturing company,

No. 138—An act relative to prisoners and prison bounds,

No. 336—An act to determine the manner in which a division of the county of Green may be made,

No. 91—An act for the relief of stage passengers,

No. 401—A resolution in relation to the laws,

No. 35—An act relative to the Vincennes University,

An act to incorporate the Jeffersonville savings institution,

I am directed to bring them to the Senate for the signature of the President.

The President having signed the bills mentioned in the message, they were handed to the committee to be presented to the Governor for his approval and signature.

Mr. Ewing from the joint committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did this day present to the Governor for his approval and signature, the following:

No. 276 an act to incorporate the mayor and common council of the town of Delphi;

No. 96, an act to change the name of the towns of St. Joseph iron works and Indiana City in St. Joseph county to that of Mishawaka;

No. 391, an act relative to a certain state road in Clay county;

No. 195, an act to provide for carrying into effect the laws in new counties;

No. 58, an act to amend an act entitled an act to appropriate part of the 3 per cent. fund in the county of Bartholomew, approved Feb. 3, 1837;

No. 145, an act regulating the action of replevin;

No. 348, an act specifically appropriating the 3 per cent. fund in Porter county;

No. 295, an act to incorporate the Calumet bridge company;

No. 383, an act for the relief of J. T. Shields and others;

No. 76, an act to amend an act entitled an act for a general system of internal improvement, approved Jan. 27, 1836;

No. 167, an act concerning enclosures and trespassing animals;

No. 375, an act to amend an act entitled an act to incorporate the town of Greensburgh in Decatur county, approved Feb. 4, 1837;

No. 379, an act to change a part of the state road between Charles-town and Jeffersonville;

Fo. 381, an act to incorporate the town of Lebanon in the county of Boone;

No. 392--A memorial and joint resolution on the subject of a canal from St. Marys, Ohio, to Fort Wayne, Indiana.

No. 378, a joint resolution on the subject of the revision of the laws;

Mr. Green from the joint committee on enrolled bills reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did present to the Governor for his approval and signature, bills and resolutions of the following titles, viz:

No. 355, an act to incorporate the town of Laporte in Laporte county,

No. 81, an act regulating damages on protested bills of exchange,

No. 401, a resolution in relation to the laws,

No. 326, an act to authorize writs of ne exeat,

No. 332, an act to incorporate the Lawrenceport bridge company,

No. 113, an act to incorporate the Westfield steam mill and manufacturing company,

No. 241, an act to provide for taking depositions in certain cases therein named,

No. an act to incorporate the Jeffersonville savings institution,

No. 172, an act to incorporate the Wabash hotel bridge company,

No. 308, an act for the incorporation of county libraries,

No. 284, an act to incorporate the St. Joseph Bridge Company;

No. 298, an act authorizing the sale of land in Dubois county;

No. 138, an act relating to prisoners and prisons;

No. 88, an act to regulate marriages;

No. 336, an act to determine the manner in which a division of the county of Green may be made;

No. 136, an act regulating divorces;

No. 91, an act for the relief of stage passengers;

No. 289, an act to incorporate the Warsaw Manufacturing Company;

No. 330, an act to incorporate the Peru and Rochester Turnpike Company;

No. 98, an act to incorporate the Knightstown Canal, Manufacturing and Bridge Company.

Mr. Mount from the same committee reports:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did this day compare the enrolled with the engrossed bills of the House, and find the same truly enrolled, to-wit:

No. 301, an act declaring Big creek a public highway;

No. 319, an act to legalize the proceedings of the school commissioner of Spencer county;

No. 142, an act to provide for the improvement of the Wabash river;

No. 314, an act to authorize the board doing county business in Spencer county to grant a license to John Meeks to retail liquors and foreign and domestic groceries;

No. 90, an act to incorporate the Knightstown Canal, Manufacturing and Trading Company;

No. 298, an act authorizing the sale of certain lands in Dubois county;

No. 136, an act regulating divorces;

No. 330, an act to incorporate the Peru and Rochester turnpike company;

No. 284, an act to incorporate the St. Joseph Bridge Company;

No. 355, an act to incorporate the town of Laporte, in Laporte county;

An act regulating descent, distribution and dower;

No. 241, an act to provide for taking depositions in certain cases therein named;

No. 172, an act to incorporate the Wabash Hotel Company;

No. 93, a joint resolution relative to the purchase of maps;

Mr. Green from the joint committee on enrolled bills reports:

Mr. PRESIDENT--

The joint committee on enrolled bills report that they did on this day present to the Governor for his approval and signature, bills of the following titles, to-wit:

No. 240, an act authorizing an additional justice of the peace to Scott and Coal creek townships, in Montgomery county;

No. 95, an act relative to the Vincennes University;

No. 9, an act to legalize the election of seminary trustees in the county of Hancock;

No. 203, an act to incorporate the Richmond and Brookville Canal Company;

No. 352, an act to incorporate the town of Greensboro';

No. 361, an act to authorize Wetmore and Toby to erect a dam on the Wabash river at the town of Murray, in Wells county;

No. 188, an act against forcible entry and detainer;

No. 389, an act legalizing the sale of school lands in Parke county;

No. 228, an act defining and regulating privileges;

No. 395, an act to re-locate a part of the Bloomington and Rockport state road and to establish a state road therein named;

No. 382, an act concerning public defaulters;

No. 236, an act relating to the office of school commissioner in certain counties;

No. 134, an act to incorporate the town of Indianapolis in Marion county;

No. 146, an act to prevent gaming;

No. 224, an act concerning vagrants;

- No. 200, an act to incorporate the City of Logansport;
- No. 402, an act regulating the courts in the first and sixth judicial circuits;
- No. 302, an act to change the name of a town;
- Mr. Green from the same committee reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the following engrossed with the enrolled bills, and find them truly enrolled:

- No. 71, an act to incorporate the Laurel, Franklin county, Bridge Company;
- No. 153, an act concerning corporations;
- No. 95, an act relative to public roads and highways;
- No. 91, an act to establish and regulate ferries.

Mr. Stanford, from the committee on enrolled bills, made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the Senate, viz:

- No. 100—An act locating a state road from Napoleon to a point near Elihu Gallaway's;
- No. 367—An act to incorporate the trustees of the Laporte University;
- No. 79—An act to authorize the board doing county business of Tippecanoe county, to make a certain payment therein described;
- No. 361—An act to provide for the times of holding the Circuit Courts in the seventh judicial circuit in the state of Indiana;
- No. 355—An act for the formation of a special school district in Marion county;
- No. 66—An act to amend an act entitled, an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23, 1836;
- No. 183—An act to amend an act entitled, an act to incorporate the Lawrenceburgh bridge company, approved January 24, 1831;
- No. 125—An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting-houses, and masonic lodges;
- No. 87—An act providing for the incorporation of towns;
- And find the same truly enrolled.

Mr. Stanford, from the joint committee on enrolled bills, made the following report:

Mr. President--

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bills of the Senate, viz:

No. — An act relative to county boundaries

No. 62—An act to incorporate the Mishawaka iron and manufacturing company;

No. 148 —An act to locate a state road from Strawtown to Rochester;

No. 360---A joint resolution relative to John G. Burch, of Daviess county;

No. 150---An act to locate a state road from the Kankakee to LaPorte;

And find them truly enrolled.

Mr. Tuley, from the joint committee on enrolled bills, report:

Mr. President—

The joint committee on enrolled bills report that they have compared the enrolled with the engrossed bill, No. 310, an act to incorporate the town of Terre Haute,

And find the same truly enrolled.

The following message was received from the House by Mr. Graham, their member.

Mr. President—

I am directed to inform the Senate that the House of Representatives has passed an engrossed bill thereof, No. 20, entitled, an engrossed bill to amend an act entitled, an act regulating the practice in suits at law; in which the concurrence of the Senate is respectfully requested.

The bill was read a first time; on motion, the rules were suspended, and the bill read a second time, and, on motion of Mr. Dunning, laid on the table.

The following message was received from the House by Mr. Elliott, their Clerk:

Mr. President—

The House of Representatives has concurred in the amendment of the Senate to the bill of the House, entitled, No. 274, an act providing for a more uniform mode of doing township business in the several counties in this state, with an amendment,

In which the concurrence of the Senate is requested.

On motion of Mr. Colerick, the Senate concurred in the amendment of the House to the amendment of the Senate to the bill here mentioned.

Ordered, That the Secretary inform the House thereof.

On motion of Mr. Sigler,

No. 159---A bill for the relief of James Talbot, was taken up.
On the question, "shall the bill pass?"
The ayes and noes were ordered.

Those who voted in the affirmative were,

Messrs. Beard, Bradbury, Cole, Crawford, Daily, Elliott, Ewing, Finch, Morgan of R., Sigler, Turman, Walker and Vawter—13.

Those who voted in the negative were,

Messrs. Baird, Bowen, Cathcart, Clark, Dunn, Kennedy, Little, Morgan of D., Tuley, Watts of D., and Watt of U.—11.

There not being a constitutional majority of the Senators voting, the bill did not pass.

On motion of Mr. Thompson of L.,

No. 146, a bill supplemental to an act entitled an act authorizing an additional justice of the peace in Montgomery county;

On motion, the rules were suspended and the bill read a 3d time and passed.

Leave being granted, Mr. Ewing presented a petition from Hugh B. McKeen and others on the subject of a canal bridge;

On motion, laid upon the table.

Mr. Stafford moved that the vote given on the passage of No. 118, a bill for the divorce of John Duval and Nancy Duval be re considered; Which was agreed to.

On the question, shall the bill pass?

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard, Bradbury, Cole, Crawford, Daily, Dunning, Elliott, Ewing, Finch, Hackett, Hoagland, Morgan of R., Sigler, Turman, Trask, Walker and Vawter—17.

Those who voted in the negative were,

Messrs. Baird, Bowen, Cathcart, Clark, Colerick, Dunn, Kennedy, Little, Mitchell, Mount, Smith, Stanford, Thompson of L., and Watts of D.—15.

So the bill passed.

Mr. Green from the joint committee on enrolled bills, reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they have compared the engrossed with the enrolled bills, and find them truly enrolled, of the following titles, to-wit:

No. 142—An act for the regulation of the state prison;

No. 313—An act for the safe keeping of prisoners committed under the authority of the U. S. into any of the jails of this state and for other purposes;

No. 33—An act providing for the recording of mortgages for personal property;

No. 147—An act to locate a state road therein named;

No. 363—An act supplemental to an act entitled an act authorizing the sale of certain school lands therein named and for other purposes, approved Jan. 1837;

No. 364—An act to vacate part of a street on the donation near Indianapolis;

The following message was received from the House of Representatives, by Mr. Burns, their member:

Mr. PRESIDENT—

I am directed by the House of Representatives to inform the Senate that they have passed an engrossed bill of the Senate,

No. 178, entitled a bill to provide for the security of the state house without amendment.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

Mr. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the Senate, entitled.

No. 125, an act for the appointment of trustees to receive deeds for lots or lands for the use of schools, meeting houses and masonic lodges;

No. 187, an act providing for the incorporation of towns;

No. 355, an act for the special school district in Marion county;

No. 100, an act locating a state road from Napoleon to a point near Elihu Galloways;

No. 79, an act to authorize the board doing county business of Tippecanoe county to make a certain payment therein described;

No. 361, an act to provide for the times of holding the circuit courts in the 7th judicial circuit of the State of Indiana;

No. 183, an act to amend an act entitled an act to incorporate the Lawrenceburgh bridge company, approved Jan. 24, 1831;

No. 367, an act to incorporate the trustees of the Laporte University;

No. 66, an act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the state of Indiana may be entitled to and receive, by virtue of an act of Congress, approved June 23, 1836;

And also of the House of Representatives entitled as follows:

No. 71, an act for the relief John Carmichael;

No. 345, an act giving the state of Illinois the right of way within this state, to connect the northern cross rail road in Illinois with the Wabash and Erie canal at Perrysville, Indiana;

No. 339—An act relating to taverns and tavern keepers in the county of Vermillion,

I am directed to bring them to the Senate for the signature of the President thereof.

The President having signed bills mentioned in the message, they were handed to the committee to be presented to the Governor for his approval and signature.

The following message was received from the House of Representatives, by Mr. Elliott their clerk:

MR. PRESIDENT—

The House of Representatives has concurred in the amendment of the Senate to the engrossed bill of the House,

No. 270—An act to regulate the mode of doing county business in the several counties in this State.

Mr. Mount from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did on this day present to His Excellency the Governor, for his approval and signature, bill of the House

No.—An act regulating descent, distribution and dower.

Mr. Mount, from the joint committee on enrolled bills, made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did on this day compare the enrolled with the engrossed bills of the House, and find the same truly enrolled:

No. 345—An act giving the State of Illinois the right of way within this State to connect the Northern Cross Rail Road in Illinois, with the Wabash and Erie Canal, at Perrysville,

No. 71—An act for the relief of John Carmichael,

No. 339—An act relating to tavern keepers in the county of Vermillion.

Mr. Mount, from the joint committee on enrolled bills, reports:

MR. PRESIDENT—

The joint committee on enrolled bills report, that they did this day compare the enrolled with the engrossed bills of the House,

An act regulating descents, distribution and dower,
415—A joint resolution in reference to the duties of Secretary of State.

The following message was received from the Governor by his private secretary, Mr. Maguire:

MR. PRESIDENT—

The Governor has approved and signed acts and a joint resolution entitled as follows:

- No. 127—An act relative to fugitives from labor;
 - No. 85—An act to authorize the vacation of towns;
 - No. 86—An act providing for the support of illegitimate children;
 - No. 320—An act to change the name of the town of Mauksport, in the county of Harrison, to that of New Market;
 - No. 317—An act to regulate the mode of summoning and empannelling grand and petit jurors;
 - No. 342—A joint resolution relative to the state printing for 1838;
 - No. 321—A joint resolution on the subject of extending the grant of land for the Wabash and Erie canal;
 - No. 307—An act for the incorporation of Public Libraries;
 - No. 347—An act to legalize the sale of certain town lots therein named, and for other purposes;
 - No. 128—An act for the protection of bridges;
 - No. 188—An act for the relief of Wirts and Reinhard of the city of Louisville and state of Kentucky;
 - No. 175—An act to authorize the loaning of the College funds;
 - No. 174—An act relating to county seminaries;
 - No. 346—An act declaring certain county roads therein named state roads;
 - No. 43—An act to alter and define the boundary lines of Grant county;
 - No. 349—An act for the formation of the second and third judicial circuits, and providing for holding courts therein;
 - No. 335—An act to provide for holding a term of the Circuit Court in the county of Cass;
 - No. 109—An act authorizing and regulating arbitrations;
- All of which originated in the Senate.
- The following message was received from the Governor by his private secretary, Mr. Maguire:

MR. PRESIDENT—

His Excellency the Governor has approved and signed acts entitled as follows:

- No. 326—An act to authorize writs of *ne exeat*;
- No. 88—An act to regulate marriages;
- No. 332—An act to incorporate the Lawrenceport bridge company;

No. 81—An act regulating damages on protested Bills of Exchange;
 No. 113—An act to incorporate the Westfield steam-mill and manufacturing company;

No. 308—An act for the incorporation of County Libraries;
 Which originated in the Senate.

On motion of Mr. Baird, the vote on the passage of No. 159, a bill for the relief of James Talbot, was reconsidered.

On the question "shall the bill pass?"

The ayes and noes being ordered,

Those who voted in the affirmative were,

Messrs. Beard, Bradbury, Cole, Crawford, Daily, Elliott, Ewing, Finch, Morgan of R., Sigler, Turman, Walker, and Vawter—13.

Those who voted in the negative were,

Messrs. Baird, Bowen, Cathcart, Clark, Dunn, Kennedy, Little, Morgan of D., Tuley, Watts of D., and Watt of U.—11.

There not being a constitutional majority of the Senators voting, the bill did not pass.

On motion,

Resolved, That the Senate do now adjourn to meet on Monday morning, at 6 o'clock.

The Senate adjourned.

MONDAY MORNING, FEB. 19, 1838.

Senate assembled.

Mr. Mount from the committee on enrolled bills made the following report:

The committee on enrolled bills report that they have compared the enrolled with the engrossed bills of the House, and find the same truly enrolled, entitled acts as follows, to-wit:

No. 386, an act to change the lease of a part of the university square in the town of Indianapolis;

No. 199, an act to legalize the election of trustees of the Presbyterian church of Sand creek in Decatur county;

No. 17, an act declaring a misprint;

No. 279, an act to incorporate the Michigan and Indiana rail road company;

No. 102, an act to establish temporarily a court house in the county of Lake, and for other purposes;

No. 208, an act to amend an act entitled an act to incorporate the president and trustees of the Rush county seminary;

No. 286, an act to amend an act concerning the seminary township of land in Gibson and Monroe counties, approved January 27, 1827; approved Feb. 8, 1834;

No. 3, an act to amend the act incorporating the Aurora and Napoleon turupike company, and to legalize the proceedings of the board of directors of said company;

No. 232, an act to amend an act entitled an act authorizing Richard M. Kirk to raise his mill dam three feet higher; approved February 3, 1837;

No. 397, an act for the relief of Willis G. Atherton and others;

No. 248, an act to change the name of a certain town therein named;

No. 201, an act to relocate a part of a state road in Monroe county;

No. 202, an act to vacate the town of Newberry, in Green county;

No. 222, an act to provide for the draining of the low land around Centre Lake, in Steuben county;

No. 78, an act granting certain power and privileges to the grantee therein named;

No. 98, an act to amend an act entitled an act for the formation of the county of Brown; approved Feb. 4, 1836;

No. 400, an act fixing the time of holding courts in the 4th judicial circuit;

And find the same truly enrolled.

An act to establish certain state roads therein named, and for other purposes;

No. 318, an act making specific appropriations for the year 1838;

No. 376, an act to incorporate the Union rail road company;

No. 118, an act for the divorce of John Duval and Nancy Duval;

No. 416, an act supplemental to an act entitled an act to authorize an additional justice of the peace in Brown township, Montgomery county, Indiana;

No. 317, an act making general appropriations for the year 1838;

No. 274, an act providing for a more uniform mode of doing township business in the several counties therein named;

No. 409, an act to locate a state road from Connersville, in Fayette county, to Chrisler Kinder's;

No. 413, a joint resolution for the survey of a harbor at Michigan City;

No. 137, an act regulating the taking up of animals going estray or water craft and other articles of value adrift;

An act appropriating an estate of escheat for a free school in the town of Jeffersonville;

An act authorizing an exchange of ground;

No. 112, an act locating the county seat of Lake county;

No. 55, an act declaring Sugar creek in Parke county, a public highway;

No. 47, an act relating to the collection of the state and county revenue in the county of Lake;

No. 407, an act supplemental to the act entitled an act to incorporate the town of Paoli in Orange county; approved Feb. 15, 1838;

No. 51, an act granting an additional time for the collection of state and county revenue for Porter county;

No. 340, an act granting certain water privileges to the town of Evansville;

No. 347, an act repealing all laws and prrts of laws now in force granting premiums for wolf scalps;

No. 37, an act to amend the 16th section of an act relating to state roads; approved Feb. 6, 1837;

An act to authorize an additional justice of the yeace in Brown township, Montgomery county, Indiana;

No. 338, an act to locate a state road in Vigo county;

No. 260, an act on the subject of leasing water power at Delphi dam;

An act to incorporate the town of Raysville;

No. 272, an act relative to evidence;

No. 48, an act to repeal an act entitled an act relative to the jurisdiction and duties of justices of the peace in Clay county;

No. 198, an act for the relief of the minor heirs of Michael C. Snyder;

No. 217, an act to locate a state road therein named;

No. 410, an act to provide for printing and distributing the laws;

No. 270, an act to regulate the mode of doing county business in the several counties in this state;

And find them truly enrolled.

Mr. Stanford from the joint committee on enrolled bills made the following report:

Mr. PRESIDENT—

The joint committee on enrolled bills report, that they have compared the enrolled with the engrossed bill of the Senate,

No. 124—An act for the relief of the poor;

No. 168—An act regulating the jurisdiction and duties of justices of the peace;

No. 327—An act incorporating congressional townships and providing for public schools therein;

No. 190—An act to authorize the election of a justice of the peace in Yorktown;

No. 88—An act for establishing a state road from Landing ferry to intersect the Patriot and Versailles road;

No. 300—An act attaching Canal Port to the town of Petersburg in Pike county for corporation purposes;

No. 115—An act to authorize Elijah Long and his wife to sell certain real estate therein named;

No. 119—An act for the formation of Union school district;

No. 301—An act to provide for the election of a justice of the peace in the town of Middletown in Shelby county;

No. 52—An act to regulate the summoning of juries in the 6th judicial circuit;

No. 336—An act to provide for the salary of Wm. Polke, late commissioner of the Michigan Road;

No. 166—An act to locate a state road therein named;

No. 356—An act to change the mode of doing county business in the county of Scott;

No. 61—An act to authorize the re-locating of a state road in Gibson county;

No. 60—An act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the U. S. as the State of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23, 1836, approved Feb. 6, 1837;

No. 350—An act to appropriate a part of 3 per cent. fund in Jasper county;

No. 111—An act to make a state road through a part of Warren and Vermillion counties;

No. 303—An act to provide for making partial payments on canal and school lands;

No. 178—An act to provide for the securing of the state house;

No. 306—An act to organize probate courts and defining the powers and duties of executors, administrators and guardians;

No. 187—An act for the preservation of the canal belonging to the state of Indiana, the collection of tolls thereon, and for other purposes.

Mr. Stanford from the joint committee on enrolled bills made the following report:

MR. PRESIDENT—

The joint committee on enrolled bills report that they did on this day present to the Governor for his approval and signature, bills of the following titles, to-wit:

No. 39—An act providing for the recording of mortgages for personal property;

No. 313—An act for the safe keeping of prisoners committed under the authority of the U. S. into any of the jails of this state and for other purposes;

No. 368—An act supplemental to an act authorizing the sale of certain school lands therein named and for other purposes, approved Jan. 1838;

An act for the regulation of the state prison;

No. 147—An act to vacate part of a street on the donation near Indianapolis;

No. 124—An act for the relief of the poor;

No. 327—An act incorporating congressional townships and providing for public schools therein;

No. 60—An act to amend an act entitled an act to provide for distributing so much of the surplus revenue of the United States as the

State of Indiana may be entitled to and receive by virtue of an act of Congress, approved June 23, 1836, approved Feb. 1837;

No. —An act to provide for making partial payment on canal and school lands;

No. 111—An act to make a state road through a part of Warren and Vermillion counties;

No. 178—An act to provide for the security of the state house;

No. 330—An act to appropriate a part of the three per cent. fund in Jasper county;

No. 306—An act to organize probate courts and defining the powers and duties of executors, administrators and and gurdians;

No. 300—An act attaching Canal Port to the town of Petersburg in Pike county for corporation purposes;

No. 38—An act for establishing a state road from Landing ferry to intersect the Patriot and Versailles road;

No. 190—An act to authorize the election of a justice of the peace in Yorktown;

No. 301—An act to provide for the election of a justice of the peace in the town of Middletown in Shelby county;

No. 336—An act to provide for the salary of Wm. Polke, late commissioner of the Michigan Road;

No. 52—An act regulating the summoning of juries in the 6th judicial circuit;

No. 166—An act to locate a state road therein named;

No. 61—An act to authorize the re-location of a state road in Gibson county;

No. 115—An act to authorize Elijah Long and his wife to sell certain real estate therein named;

No. 119—An act for the formation of Union school district;

No. 356—An act to change the mode of doing county business in the county of Scott;

No. 187—An act for the preservation of the canals belonging to the state, the collection of tolls thereon and for other purposes.

Mr. Green from the committee on enrolled bills reports:

Mr. PRESIDENT—

The joint committee on enrolled bills report that they did on this day present to the Governor for his approval and signature, bills and resolutions of the following titles, to-wit:

No. 314—An act organizing the supreme court and defining its powers and duties;

No. 71—An act for the relief of John Carmichael;

No. 310—An act to incorporate the town of Terre Haute;

No. 87—An act for the incorporation of towns;

No. 345—An act giving the state of Illinois the right of way within this state to connect the northern cross rail road in Illinois with the Wabash and Erie canal at Perrysville, Indiana;

No. 339—An act relating to taverns and tavern keepers in the county of Vermillion;

No. 415—A join resolution in reference to the duties of Secretary of State;

No. 334—An act for giving to mechanics a lien upon buildings;

No. 325—An act subjecting certain articles to sale for repairs after a certain period;

No. 126—An act concerning debtors and their securities;

No. 323—An act to regulate trials of the right of property;

No. 355—An act for the special school district in Marion county;

No. 148—An act to locate a state road from Straw town to Rochester;

No. — An act relative to county boundaries;

No. 362—An act to permit and authorize the state of Ohio to construct a part of the Cincinnati and White Water canal within the territory of the state of Indiana;

No. 411—An act for the relief of persons owning canal lands;

No. 125—An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting-houses, and masonic lodges.

No. 123—An act to provide for the inspection of salt, beef, flower, pork, and tobacco;

No. 100—An act locating a state road from Napoleon to a point near Elihu Gallaway's;

No. 79—An act to authorize the board doing county business of Tippecanoe county, to make a certain payment therein described;

No. 183—An act to amend an act entitled, an act to incorporate the Lawrenceburgh Bridge Company, approved Jan. 24, 1831;

No. 98—An act to regulate General Elections;

No. 361—An act to provide for the times of holding the Circuit Courts in the seventh judicial circuit in the state of Indiana;

No. 94—An act to provide for electing county and township officers;

No. 367—An act to incorporate the trustees of Laporte University;

No. 322—An act defining the duties of Recorders;

No. 360—A joint resolution relative to J. G. Burch, of Daviess county;

No. 66—An act to amend an act entitled, an act to provide for the distribution of so much of the surplus revenue of the United States as the state of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23, 1836.

No. 170—An act concerning the State Library;

No. 150—An act to locate a state road from the Kankakee to Laporte;

No. 62—An act to incorporate the Mishawaka Iron and Manufacturing Company;

No. 168—An act regulating the jurisdiction and duties of justices of the peace;

The following message was received from the House by Mr. Elliott, their Clerk;

MR. PRESIDENT—

The Speaker of the House of Representatives having signed enrolled bills of the House of Representatives entitled as follows, to wit:

Nos. 386, 199, 17, 179, 102, 208, 286, 3, 232, 297, 248, 201, 202, 222, 78, 98, 400, 318, 376, 118, 416, 307, 274, 409, 413, 413, 137, 112, 55, 47, 407, 51, 340, 317, 37,—"An act to authorize an additional justice of the peace in Brown township, in Montgomery county, Indiana,---339, 260, 272, 48, 198; 217, 410, 270, 89; also of the Senate entitled, as follows: 33, 313, 368, "an act for the regulation of the State Prison, 147, 364, 124, 327, 60, 303, 111, 178, 350, 306, 300, 38, 190, 301, 336, 52, 166, 61, 115, 119, 356, 187---I am directed to bring them to the Senate for the signature of the President thereof.

Message from the Governor by his private secretary, Mr. Maguire:

MR. PRESIDENT—

I am instructed to inform the Senate, that he has approved and signed,
No. 100—An act locating a state road from Napoleon to a point near Elihu Galloways,

No. 314—An act organizing the Supreme Court and defining its powers and duties,

No. 355—An act for the formation of a special school district in Marion county,

No. 94—An act to provide for electing county and township officers,

No. 183—An act to amend an act entitled, an act to incorporate the Lawrenceburgh Bridge Company, approved January 24, 1831,

No. 324—An act for giving to mechanics a lien on buildings,

No. 325—An act subjecting certain articles to sale for repairs after a certain period,

No. 126—An act concerning debtors and their securities,

No. 367—An act to incorporate the Trustees of the Laporte University,

No. 323—An act to regulate trials of the right of property,

No. 77—An act to authorize the Board doing county business of Tippecanoe county, to make a certain payment therein described,

No. An act relative to county boundaries,

No. 170—An act concerning the State Library,

No. 150—An act to locate a state road from the Kankakee to Laporte,

No. 125—An act for the appointment of trustees to receive deeds for lots or lands given or purchased for the use of schools, meeting houses or Masonic lodges,

No. 310—An act to incorporate the town of Terre-Haute,

No. 87—An act providing for the incorporation of towns,

No. 98—An act to regulate general elections,

No. 62—An act to incorporate the Mishawaka Iron and Manufacturing company,

No. 365—An act to provide for the times of holding the circuit courts in the seventh judicial circuit,

No. 148—An act to locate a state road from Strawtown to Rochester,

No. 123—An act to provide for the inspection of salt, beef, and tobacco,

No. 322—An act defining the duties of recorders,

No. 66—An act to amend an act entitled, an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to receive, by virtue of an act of Congress, approved June 23d, 1836,

No. 360—A joint resolution relative to John G. Burch, of Daviess county;

No. An act for the regulation of the state prison,

No. 178—An act to provide for the security of the State House;

No. 60—An act to amend an act entitled, an act to provide for distributing so much of the surplus revenue of the United States as the State of Indiana may be entitled to and receive by virtue of an act of Congress, approved, 23d June 1836, approved Feb. 6, 1838,

No. 38—An act to establish a state road from Landing Ferry to intersect the Patriot and Versailles road,

No. 61—An act to authorize the re-location of a state road in Gibson county,

No. 111—An act to make a state road through part of Warren and Vermillion counties,

No. 303—An act to provide for making partial payments on canal and school lands,

No. 550—An act to appropriate a part of the 3 per cent. fund in Jasper county,

No. 124—An act for the relief of the poor,

No. 313—An act for the safe keeping of Prisoners committed under the authority of the United States into any of the jails of this State, and for other purposes,

No. 368—An act supplemental to an act entitled, an act authorizing the sale of certain school lands therein named, and for other purposes, approved, December 1838,

No. 147—An act to locate a state road therein named,

No. 33—An act providing for the recording of mortgages for personal property,

No. 364—An act to vacate part of a street on the Donation near Indianapolis,

No. 115—An act to authorize Elijah Long and his wife to sell certain real estate therein named,

No. 190—An act to authorize the election of a justice of the Peace in Yorktown,

No. 336—An act to provide for the salary of William Polke, late Commissioner of the Michigan Road,

No. 52.—An act to regulate the summoning of jurors in the 6th judicial circuit,

No. 301—An act to provide for the election of a justice of the peace in the town of Middletown in Shelby county,

No. 119—An act for the formation of Union School District,

No. 166—An act to locate a state road therein named,

No. 300—An act attaching Canal Port to the town of Petersburg in Pike county, for corporation purposes,

No. 356—An act to change the mode of doing county business in the county of Scott;

No. 168—An act regulating the jurisdiction and duties of justices of the peace,

No. 327—An act incorporating Congressional townships and providing for public schools therein,

No. 306—An act to organize probate courts, and defining the powers and duties of executors, administrators, and guardians,

No. 338—An act prescribing the mode of changing the venue in criminal cases,

No. 348—An act for the formation of the 9th judicial circuit, and fixing the times of holding courts therein,

No. 309—An act for the incorporation of agricultural societies,

No. 187—An act for the protection of the canals belonging to the State, collecting tolls thereon, and for other purposes,

No. An act appointing a commissioner for certain purposes therein named;

All of which originated in the Senate.

The following message was received from the House of Representatives, by Mr. Dowling their member:

Mr. PRESIDENT—

I am instructed by the House of Representatives to inform the Senate that the House has adopted the following resolutions:

Resolved, That a committee of two be appointed on the part of the House to act with a similar one on the part of the Senate, to wait upon the Governor, and inform him that both Houses of the General Assembly have completed their legislative business, and are now ready to adjourn *sine die*, if he has no further communications to make.

Resolved, That the Senate be informed of the adoption of this resolution, and a similar one on their part requested.

On motion of Mr. Sigler,

Resolved, That a committee of two be appointed on the part of the Senate to act with a similar committee on the part of the House, to wait upon the Governor and inform him that both Houses of the General Assembly have completed their legislative business and are now ready to adjourn *sine die*, if he has no further communications to make to them.

Ordered, that Messrs. Sigler and Beard be the committee on the part of the Senate.

Mr. Sigler reported:

MR. PRESIDENT—

The committee appointed to wait on the Governor have discharged that duty, and received for answer that he has no further communications to make to the present General Assembly.

The following message was received from the House of Representatives, by Mr. Elliott, their clerk:

MR. PRESIDENT—

The House of Representatives has adopted the following resolution:

Resolved, That the Senate be informed that the House of Representatives has gone through their legislative business of the present session, and are now ready to adjourn *sine die*.

On motion of Mr. Clark,

Resolved, That the House of Representatives be informed that the Senate has gone through with the business before it, and is now ready to adjourn *sine die*.

On motion of Mr. Morgan of R., the Senate adjourn *sine die*.

Attest,

CHARLES H. TEST,

Prin. Sec'y Senate.

WM. H. MARTIN,

Assistant Sec'y Senate.



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WATT WILLIAM—

Appeared and took his seat	-	-	4
Introduced bill relative to summoning jurors in 6th circuit	-	-	347

WATTS JOHNSON—

Appeared and took his seat	-	-	4
Introduced resolution relative to working roads	-	-	180
Introduced bill relative to road tax in Dearborn county	-	-	347

WELLS COUNTY—

Bill to locate the seat of justice therein introduced and considered	-	-	469
Further considered and passed	-	-	475

WILCOX ASHER—

Bill relating to introduced and passed	-	-	584
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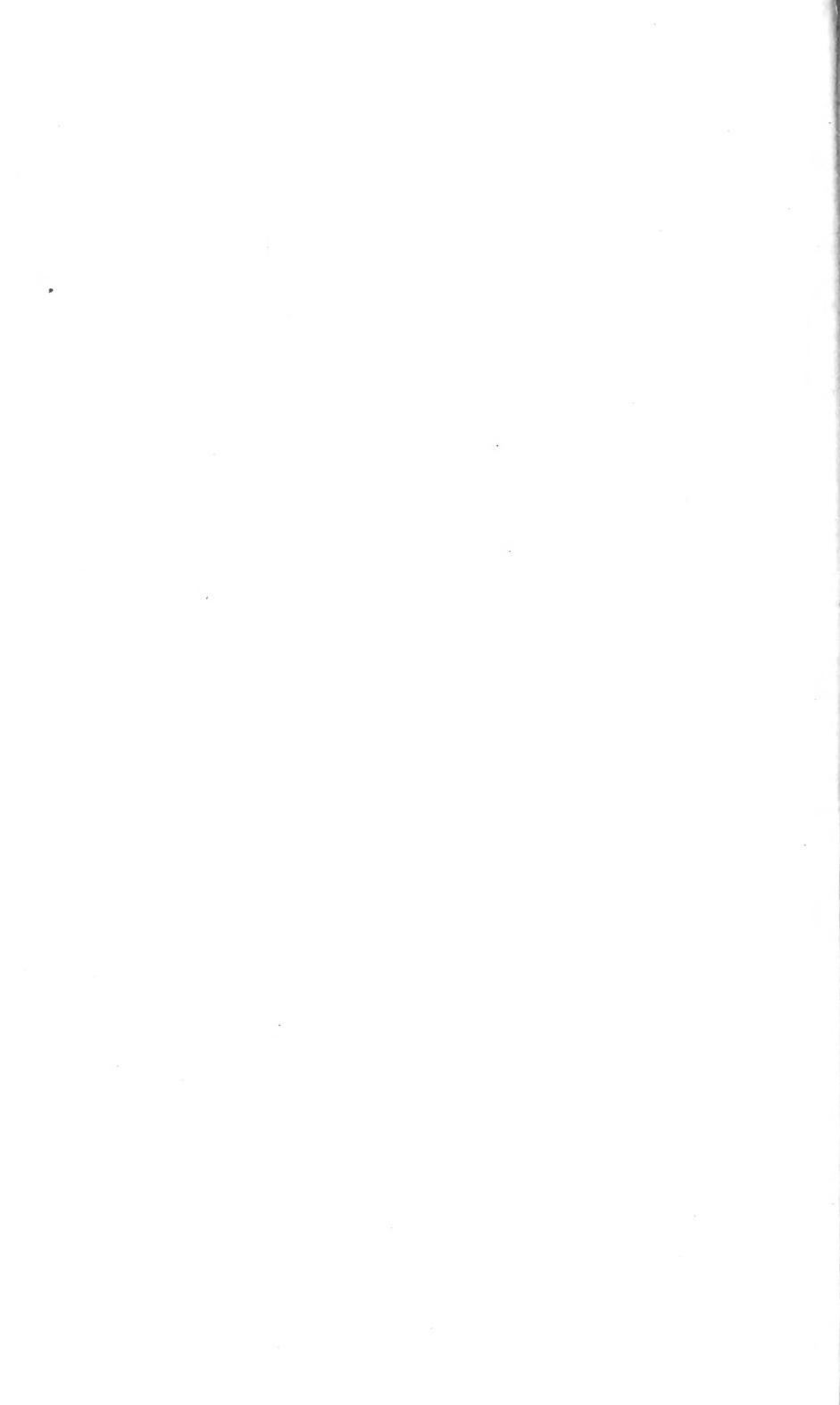
WOLVES—

Bill to encourage the killing thereof introduced and considered	-	-	510
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WRIGHT JOSEPH—

Elected prosecuting attorney	-	-	101
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